

No. 12142

United States
Court of Appeals

for the Ninth Circuit

NATIONAL LABOR RELATIONS BOARD,
Petitioner,

vs.

CANNON MANUFACTURING CORPORATION
and JAMES H. CANNON, an individual, doing
business as CANNON ELECTRIC DEVELOP-
MENT COMPANY,
Respondents.

Transcript of Record

In Two Volumes

VOLUME II.

(Pages 337 to 717, inclusive)

Petition for Enforcement of Order of the
National Labor Relations Board

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(Testimony of Clarence Joseph Armant.)

Q. I believe you stated you worked for them for some few days afterward.

A. A few days afterward.

Q. About how long?

A. About ten days or two weeks, something like that.

Q. Then how did it come about that you didn't work any more after that?

A. I came in one afternoon and my card wasn't in the rack, so I said, "Well, this is it."

Q. That is when you called Mandella; is that right?

A. Yes.

Q. Did you talk to anybody else that day at the plant, other [496] than Mandella? You talked to him on the telephone?

A. Yes.

Q. Did you talk to the guard or did you talk to anybody else?

A. I don't remember if I did or not. I don't think I did.

Q. You received notice thereafter from the C.I.O. that the conciliation man, Mr. Livingston had gotten you back to work or had left word for you to go back to work; is that right?

A. Yes.

Q. The first day you were back on the job, why, that was when the so-called strike took place; is that right?

A. Yes.

Q. Now, that evening after you had left the plant and after this so-called strike had taken place, and according to your testimony, Bob Cannon told you to leave the plant; is that right?

A. Yes.

(Testimony of Clarence Joseph Armant.)

Q. Then did you go to the C.I.O. offices after leaving the plant that night?

A. I got in touch with the C.I.O.

Mr. Cannon: I think the whole matter has been gone over.

Trial Examiner Batten: Yes, I think so.

Mr. Ryan: I am trying to lay a foundation for something else.

Would you mark this document, please, as Board's exhibit [497] next in order?

(Thereupon, the document referred to was marked as Board's Exhibit No. 40, for identification.)

Mr. Ryan: I have had marked as Board's Exhibit 40, for identification, a document entitled "Keep Production Going," purportedly signed by Clarence Armant and Harman Fellow. I show it to counsel.

Q. (By Mr. Ryan): Mr. Armant, I show you Board's Exhibit 40, for identification, and ask you to look at it and tell us, after you have looked at it, what it is, if you know?

A. This is exactly what happened in the plant the night that the workers walked in the cafeteria and this so-called strike happened. This was a leaflet put out by the United Electrical, Radio and Machine Workers, signed by Fellows and myself, after stating just what had happened in the plant. This leaflet was immediately put out.

(Testimony of Clarence Joseph Armant.)

Q. After you left the plant that night that Bob Cannon told you to get out of the plant——

Mr. Cannon: The testimony is not that Bob Cannon told him to get out of the plant, but told him to get out of the office.

Q. (By Mr. Ryan): What is the testimony?

A. The testimony is, "If you don't get out of the plant I will have you thrown out."

Mr. Cannon: That is what he told you? [498]

The Witness: Yes.

Q. (By Mr. Ryan): Now, after you left the plant on that occasion you went to the C.I.O. offices; did you?

A. Well, that leaflet was either put out that night or in the morning because the next thing I knew was I got in touch with the U.E.

Q. Did you corroborate with the C.I.O. officials in getting this bulletin out? A. I did.

Q. Was it distributed to the employees of the Cannon Company? A. Yes.

Mr. Ryan: I offer it in evidence as Board's Exhibit 40, for identification. I have a copy. [499]

* * * *

Recross-Examination

* * * *

Q. Did you ever join the C.E.A.?

A. Yes.

Q. When?

joined it.

Q. Did you join before or after the first election?

A. I don't remember that, either. I know I

(Testimony of Clarence Joseph Armant.)

A. Oh, I joined after the election.

Q. How soon after the election?

A. I don't remember how soon after, but I know it was after the election I joined. [502]

* * * *

Q. This day when the cafeteria group went into the cafeteria and moved through the shop, who was it that was going through the shop early that morning or that day?

A. That afternoon, I think it was. It was Andy Bereznak and Barnett. I don't know his first name.

Q. Bereznak and Shirl Barnett? A. Yes.

Q. They were going through the plant, and what were they doing?

A. I saw them stop and talk to the workers.

Q. What were they telling the workers; do you know?

A. The way I found it out was they were telling the workers they were going to have a production meeting in the cafeteria.

Q. Didn't they tell them it was a strike meeting?

A. I don't know whether they told them or not. All I am telling you is what I found out they said, that it was a production meeting. That is what I was told. What they said I don't know. [505]

* * * *

Redirect Examination

Q. (By Mr. Ryan): Mr. Armant, at the time that you made that radio speech, you made it for

(Testimony of Clarence Joseph Armant.)

the C.I.O., I believe, and you stated an organizer asked you to make it? A. Yes.

Q. At that time the C.I.O. was in the process of carrying on a campaign to organize the employees there? A. Yes, they were.

Q. Were you active with the C.I.O. at that time?

A. I was a C.I.O. shop steward at that time.

Q. You were? A. Yes. [511]

Q. You were that right up to the time you left the employ of the company for the last time; is that right?

A. Now, as I recollect, I think this radio speech was made right before the arbitration or either right after. It was somewhere around in that time, somewhere around September 15th.

Q. Were you shop steward for the C.I.O.?

A. No, not at that time. I don't remember exactly when it was made. It keeps coming back in my mind.

Q. I am not asking you about that now. I am asking if you were a C.I.O. shop steward at the time you were having these arbitrations with Cannon?

A. At the arbitration hearing was I a shop steward?

Q. Yes. As of that time were you a C.I.O. shop steward? A. During the arbitration?

Q. During that time.

A. Well, I don't think I was.

Q. When did you stop being a shop steward for the C.I.O.?

(Testimony of Clarence Joseph Armant.)

A. Right after the election.

Q. Which election? A. The first election.

Q. Then did you later on ever become a shop steward again while you were employed by the company? A. No.

Q. But did you continue to be a member of the C.I.O.? [512]

A. Well, I had signed a card. I wasn't paying any dues or anything. I had just signed a card and I had never turned in—told the C.I.O. I was not belonging to the union, or anything. I guess they still had the card I signed. Nobody was paying dues, we just signed cards and that is all.

Q. The C.I.O. was holding membership meetings on occasion; weren't they?

A. Occasionally, yes, they were.

Q. Did you attend them?

A. I went to some of the meetings, yes.

Q. As soon as you got into these matters relative to your termination out there on these arbitration hearings, you went to the C.I.O. right away?

A. Yes.

Q. You didn't sever your connection with the C.I.O.? A. No.

Q. After you left the employ of the company for the last time, did you thereafter go right to work some place else?

A. I went to work for the Douglas Aircraft, Santa Monica. [513]

ELSIE MONJAR,

a witness called by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

Direct Examination

Q. (By Mr. Ryan): Will you state your full name, please, Miss Monjar?

A. My name is Elsie Monjar.

Q. What is your address, Miss Monjar?

A. 5943 South Olive Street, in Los Angeles.

Q. Were you ever employed by Cannon Manufacturing Corporation? A. Yes, I was.

Q. When were you first employed by that organization?

A. As I remember, it was April 16, 1941, that I was first employed there.

Q. In what department were you first employed?

A. In Department 11.

Q. Did that department have any other designation? [514]

A. Yes, it was called finish castings.

Q. Who was your supervisor?

A. Glen McClung was the foreman of the department.

Q. How long did you continue in that department?

A. I worked in that department 10 months, as I remember. I believe it was in either January or February of the following year I transferred into the assembly department.

Q. How long did you stay in the assembly department after your transfer?

(Testimony of Elsie Monjar.)

A. I worked in the assembly department from that time until I left the employ of the company, which was the following October.

Q. Of 1942? A. Yes.

Q. While you were in the assembly department, who was your foreman? A. Nick Gervasi.

* * * *

Q. (By Mr. Ryan): Now, on or about May 20, 1941, did you have a conversation with Ned Mandella at the shop? A. Yes, I did.

Mr. Cannon: You said May 20th?

Mr. Ryan: On or about that date.

Q. (By Mr. Ryan): Miss Monjar, will you tell us where the [515] conversation took place and who was present?

A. Yes. It took place in the assembly department, inside of the plant. There was no one present, as I remember, except Ned Mandella to whom I was speaking, and myself.

Q. About what time of day was this?

A. It was just before I went on shift. The shift changed at 3:30, as I remember, which would make it about 3:10 in the afternoon I talked to Ned.

Q. Your shift was the one that started in the afternoon, the swing shift; is that right?

A. Yes, I was on the swing shift.

Q. This was a little while before you were due to go to work; is that right? A. Yes.

Q. But Mandella at that time was working on the day shift; was he? A. Yes.

(Testimony of Elsie Monjar.)

Q. And you had gone into the assembly department to talk to him? A. That is right.

Q. You worked in the assembly department, did you; is that right?

A. No, at that time I was working in Department 11 on the swing shift, while he was working in the assembly department which, I believe was Department No. 3, on the day shift. [516]

Q. Will you relate the conversation that took place at that time between you and Mandella?

A. Yes. To the best of my memory, I asked him first to tell me what was the Cannon Employees' Association, the Cannon Employees Recreational Association, the Cannon Employees Welfare Association.

His first sentence was very oddly worded. He said, "They are all mine. The Cannon Employees Association and the Cannon Employees Recreational Association are the same thing." Then he said, "The Cannon Employees Welfare Association is mine, too, but the boss asked me to leave that and organize——"

Mr. Cannon: I couldn't hear.

(The answer was read.)

The Witness: "——Cannon Employees' Association instead."

Q. (By Mr. Ryan): Now, go on with the conversation, if there was more.

A. Yes, there was quite a bit more. I asked him then about the Welfare Association, and he told me a little bit about how it had been set up. He also

(Testimony of Elsie Monjar.)

said his baby was the first one to receive the \$50.00 baby bonus. The major part of that conversation was around the question of bonuses, which Mr. Cannon made a practice of giving to employees who had new babies. He was pointing out the fact his child was born at the time of the inception of that policy and had gotten [517] the first \$50.00 baby bonus.

I asked him again about the Recreational Association and the C.E.A., and whether or not the C.E.A. was a union. He said it wasn't a company union. It was an employees' union.

I asked him what its purpose was, why it was organized or what it was set up for. He said it was to keep out the C.I.O., so the boss would never deal with the C.I.O. organization and that he wouldn't talk to the C.I.O. I felt that if he wouldn't talk to the C.I.O.—

Mr. Cannon: Just a minute. I move to strike out her declaration as to her feelings.

Trial Examiner Batten: Are you telling us what he said?

The Witness: As I remember Ned was explaining there was not a company union, it was an employees' union and that the boss would not deal with the C.I.O. The question came in my mind then as to whether he would deal with any other labor organization.

Trial Examiner Batten: We are not interested in what came in your mind or what you felt. You tell us what you said and what he said.

(Testimony of Elsie Monjar.)

The Witness: All right. He said that the Association wasn't really a union, that its purpose was to keep out the C.I.O. We discussed that generally. He elaborated on that a little bit. And then I asked him how many people were in [518] the Association. He said there were approximately 700.

I asked him then about whether the Association was well organized on the swing shift, which of course was what I was primarily interested in. He said, no, the swing shift—which I called a trick—was not particularly interested in the Association and that while he had several girls in Department 11 trying to organize the Association they had never been particularly successful.

Then he said, "Here, I will let you do something for me. You take these papers and sign up people in the Association."

I told him I didn't feel I could do that because I had never been elected an officer of the Association, a Captain, as he called it. I wasn't even a member of the Association.

He said that that would be all right, that I should go ahead and talk to the people next to me at work and tell the girls if the C.I.O. came in they would all lose their jobs, because the boss would never deal with the C.I.O. And if anybody tried to stop me from talking to the girls on the job about joining the Association to tell them that Ned Mandella had told me to do it and it would be all right.

Then I asked him about the next meeting which, as I remember, he said would be the following

(Testimony of Elsie Monjar.)

Monday. I said I would bring some of the girls down to that meeting if I could. [519] As I remember that was the substance of the conversation.

Q. Did I understand you to say that he suggested that you could help him on your shift?

A. Yes, he told me to take the papers. He had a sheaf of blank papers there and to sign up the girls in the Association. He also told me I wouldn't be working for nothing, because they would take me out to a free dinner once every two weeks to repay me for my efforts in attempting to sign the girls up in the C.E.A.

Q. What sort of papers were these he had, Miss Monjar?

A. As I remember they were blank sheets of paper on one side. On the reverse side they were the forms that were filled out by the workers in the assembly department describing the type of work they had done that day; they were production records of individual employees.

Q. They weren't membership cards, then; is that right?

A. No, the membership cards were made out by Helen Olsen who was secretary of the Association. When I turned back the list of names and the 50 cents initiation fee that was collected at the time the individuals signed the sheet of paper stating they wished to join the Association——

Q. After your conversation with Mandella, did you engage in any solicitation for this Association?

A. Yes, I did.

(Testimony of Elsie Monjar.)

Q. You did? [520] A. Yes.

Q. How soon after you talked to Mandella did you become active in the Association as a solicitor for membership, about how long?

A. I would say it was probably within the next day or two because as clearly as I remember it I took the sheets at that time and talked to the girls with whom I was most friendly and signed some of those up. And then I started talking to other people in my department and on my shift about joining the Association.

Q. Did you do that during working hours, during your working hours?

A. I don't remember that I did. I can remember doing it before working hours and at lunch time, but the only thing I did on company time in relation to the Association, that I can remember clearly, was taking the money and the signed sheets back into the assembly department and giving them to Helen Olsen in exchange for membership cards for the list I had turned in previously. I took the cards from her and returned them to the people that had signed applications.

Q. After you would get these people to sign these sheets, then you would take them and would you also collect the money from these girls at such time? A. Yes.

Q. What were the dues then? [521]

A. The initiation fee was 50 cents. I don't remember ever having had collected any dues.

Q. Then after you would get these papers signed

(Testimony of Elsie Monjar.)

and the 50 cents from the people that signed them, you would take them into Helen Olsen. Who was she?

A. Helen Olsen was secretary of the Association.

Q. Did you ever on occasions take them into her during working hours?

A. It was during her working hours. It wasn't during my working hours.

Q. On the occasion when you would take them in to her she would give you some membership cards, is that right, for the Association in exchange?

A. They were small orange membership cards which said "Cannon Employees Recreational Association" on them. It was usually a couple of days after I turned in the sheet of names that I would get the group of applications or the little orange membership cards for the people on the list I had turned in previously.

Q. Miss Monjar, I show you Board's Exhibit 34 and ask you whether or not the cards you received from Miss Olsen were identical with the card that is Board's Exhibit 34.

A. Yes, that is correct, except at all times I don't remember Bereznak's name being signed on there. Of course, the identification of the dues payments on each card would vary [522] with the individual, what month he paid his dues. The card itself, the form was the one we used.

Q. Now, how long did you continue to be active in signing up these people for the Association, approximately?

(Testimony of Elsie Monjar.)

A. I would say it was probably a period of about two and a half months.

Q. During that time, Miss Monjar, how many times would you estimate that you took the signed papers and some money into Miss Olsen while she was at work in her department? How many times would you say you went in to see her during that two and a half months?

A. That would be difficult to say. I can remember distinctly three different occasions that I did that. There were probably others, but I don't remember it. I happen to remember those three because I can remember part of the conversations that went on during those three times.

Q. Can you tell us the approximate times on those three occasions?

A. Yes, one must have been within a week after the first time that I talked to Ned Mandella and took the sheets of paper. The next time was probably a few days after that. And the next, as I remember, was a couple of weeks later. I am not too sure of those dates, I wouldn't swear by them.

Q. On the first occasion you brought this material into her and the money, was anyone present when you talked to her? [523]

A. No, I don't remember that anyone was.

Q. Will you tell us what the conversation was then?

Mr. Cannon: May I have an objection to all this as being hearsay?

Trial Examiner Batten: Yes.

(Testimony of Elsie Monjar.)

Mr. Cannon: Go ahead.

The Witness: The conversation at that time was merely that I said, "Helen, here are some sheets of names and the money I collected for membership."

She took them and said, "All right. I will make out the cards if you will pick them up next time you come in."

That was the substance of the first conversation.

The second time I came in, I had, I believe, a few more names and she complimented me very highly on the fact I was signing up a considerable number of people in the Association. She said I was doing very good work at that time.

The third time I don't remember anything specifically, except she took them and gave me a list of cards, I mean a stack of cards for the people I had signed up previously.

Q. On these occasions you would go into her department while she would be working. By the way, who was her foreman at that time?

A. Nick Gervasi.

Q. Gervasi? A. G-e-r-v-a-s-i. [524]

Q. When you walked into her department do you recall that Nick Gervasi was ever there to observe you going in there?

A. Yes, Nick was there several times.

Q. Did he say anything to you?

A. No, he never interfered in anyway with my speaking to either Helen or Ned.

Q. Ned Mandella? A. Ned Mandella, yes.

(Testimony of Elsie Monjar.)

Q. Did he work in that department, also?

A. Yes.

Q. Do you know that he knew that you were going in there?

Mr. Cannon: Just a minute. If he saw her he must have known.

Trial Examiner Batten: Well, did you testify he saw you going in?

The Witness: He looked at me and smiled, so I assume he saw me.

Q. (By Mr. Ryan): Now, you continued to be active about two and a half months, I believe. Did you thereafter leave the Association?

A. Yes, I joined the C.I.O.

Q. You joined the C.I.O. then? A. Yes.

Q. So approximately from two and a half to three months after you began working for the company you joined the C.I.O. [525] is that right?

A. Yes, that is correct.

Q. That would be about right? A. Yes.

Q. And you resigned from the Association?

A. Yes. There was no formal resignation. I merely joined the C.I.O. and stopped being a member of the Association without formally resigning from it.

Q. Now, after you joined the C.I.O. did you become active in that organization?

A. Yes, I did.

Q. Did you take part in the campaign of the C.I.O. for members among the Cannon employees

(Testimony of Elsie Monjar.)

prior to the first National Labor Relations Board election? A. Yes, I did.

Q. Do you recall that that first election was held on or about September 9, 1941?

A. Yes, that is correct.

Q. Now, about some few days or weeks possibly before that first election, did you observe that some loud speakers were installed in the plant there?

A. Yes, but I believe it was longer than a few days. I think it was about two weeks before the election itself.

Q. Did you see them being installed?

A. I heard them after they were installed. I didn't see the [526] actual installation.

Q. As part of the C.I.O. campaign for members among the employees, did they bring their sound truck down to the Cannon plant on occasions?

A. Yes, very frequently.

Q. Was it always at a regular time that the truck would appear there?

A. Yes, it generally appeared half an hour before shifts.

Q. Before the change of shifts? A. Yes.

Q. That would be in the afternoon?

A. For my shift, yes.

Q. By the way, can you tell us whether any of these loud speakers were installed outside the building?

A. Some of them were installed on the roof. I don't know whether there were any at any other locations around the outside of the building or not.

(Testimony of Elsie Monjar.)

Q. Did you ever have occasion to observe that the C.I.O. sound truck had come down there to broadcast about the change of shifts and also observe that at that particular moment the volume of music that would be played over these loud speakers would be greatly magnified?

Mr. Cannon: I object to that as being immaterial.

Trial Examiner Batten: You may tell us.

The Witness: Yes, I did. [527]

Q. (By Mr. Ryan): Can you tell us whether or not while the C.I.O. sound truck was there that the volume would be greatly increased over these loud speakers, the volume of music that would be played in the plant?

A. Yes, it would be magnified so greatly it was almost impossible to carry on a conversation with someone standing right next to you.

Q. Within the plant while you were working?

A. Within the plant, yes.

Q. Was it possible to hear anything other than the music?

Mr. Cannon: May I have my objection to all this?

Trial Examiner Batten: Yes, you may have a standing objection.

Q. (By Mr. Ryan): Now, at any other time of the day and at any other time than when the C.I.O. sound trucks were at the plant were you affected by this loud noise? Did you hear any loud broad-

(Testimony of Elsie Monjar.)

casting over these loud speakers, other than when the C.I.O. sound truck was there?

A. No, the music played at a reasonable pitch except when the C.I.O. sound truck was standing outside the gate, then it was magnified greatly.

Q. When the C.I.O. sound truck would leave the plant, did you notice the volume would drop down?

Trial Examiner Batten: Did you notice when the sound truck was out there and you were inside the shop you could [528] hear it if there was no interference?

The Witness: Yes.

Trial Examiner Batten: They had it going as loud as it could go?

The Witness: Yes.

Trial Examiner Batten: If you were in the plant you could hear it if there were no competing noises?

The Witness: Yes.

Q. (By Mr. Ryan): Could you hear it if the volume was not increased?

A. It would be difficult to distinguish talking from the C.I.O. sound truck over the plant noises. It was perfectly clear outside the plant where the employees would congregate before going on shift.

Q. After the loud speakers were installed and the volume was greatly increased, at such time as the C.I.O. sound truck would appear, could you hear the sound truck and understand even when you were out in front?

(Testimony of Elsie Monjar.)

A. No, because the loud speakers on top of the roof made it extremely difficult to distinguish the noise coming from the sound truck and the noise coming from the top of the roof.

Q. Did you notice shortly after the first Labor Board election whether those loud speakers were allowed to remain on the roof of the building after the first Labor Board election? [529]

A. I don't know whether they were removed or not. The tuning up of the loud speakers was not used after the election.

Q. Now, about a few days before the first Labor Board election did you have any occasion to observe the foreman, Mr. McClung, of Department 11, in his department?

A. Yes, I saw him every day.

Q. A few days before the first Labor Board election did you have any occasion to observe him in connection with C.E.A. buttons?

A. Yes. The day before the election, as I remember, Glen McClung was wearing a C.E.A. pin.

Q. In the shop?

A. In the shop, on shift, yes.

Q. And also a day or so before the Labor Board election did you have occasion to observe any C.E.A. literature in the plant?

A. There was some that was left on top of the time clock at the entrance to the plant. Employees coming on shift were taking the literature as they punched their time cards.

Q. Right up there at the time clock did the

(Testimony of Elsie Monjar.)

company have any official regularly stationed?

A. Yes, they had a guard stationed near the time clock.

Q. Right at the time clock?

A. No, right in front of the time clock. He was stationed close to it. [530]

Q. Was there a guard's desk located there near the time clock?

A. Yes, there was a guard's desk there, but not right at the time clock. There was a guard usually stationed in the long areaway where the time cards were stationed.

Q. Where was the literature that you saw?

A. I don't remember whether it was right on the time clock or right on top of the time clock. It was in close conjunction with the time clock, however.

Q. On the day of the election the results of the National Labor Relations Board election were announced, is that right, in the evening?

A. Yes, the announcement was made over the loud speaking system at the plant at about 6:00 o'clock the evening of the election.

Q. By whom was it made, if you know?

A. I don't know.

Q. Then immediately thereafter did you have occasion to hear Foreman McClung make a statement?

A. Yes, Mr. McClung was standing about 3 feet from me talking with somebody else whom I don't

(Testimony of Elsie Monjar.)

remember. And he made the statement very jubilantly, "Well, we won the election."

Just following that time he came around to at least me, and I assume the others wearing C.I.O. steward pins or C.I.O. [531] membership pins—

Mr. Cannon: I move to strike that out about her assumption.

Trial Examiner Batten: It may be stricken.

The Witness: I will say Mr. McClung came to me and ordered me to remove my C.I.O. pin.

Q. (By Mr. Ryan): You were a C.I.O. shop steward for the C.I.O.?

A. Yes, I was a C.I.O. shop steward for the C.I.O.

Q. Did you have it on at the particular time that you have just mentioned?

A. Yes, I wore it on all occasions at the plant.

Q. Were you at your job at the time? Were you in the plant at your job working at that time?

A. I was working at my machine at the time when McClung came to me.

Q. Was he your foreman then?

A. Yes, he was. [532]

* * * *

Q. (By Mr. Ryan): Miss Monjar, did you have a conversation with Mr. Al George? First of all, do you know Al George? A. Yes.

Q. Do you remember an occasion when he came to you and had a conversation with you relative to some matters he had previously been discussing with Johnny Gibson?

(Testimony of Elsie Monjar.)

A. Yes, I do remember that.

Q. When was that particular time, as best you can recall?

A. As best I can recall it was the end of February or the beginning of March, 1942.

Mr. Cannon: 1942?

The Witness: Yes.

Q. (By Mr. Ryan): Where did the conversation take place?

A. The conversation took place at the entrance in the plant just as we were going back after lunch. At that time [538] I had already transfered on to the day shift and was working in the assembly department.

Q. What time did you say it was?

A. It was right after lunch, just as we were going back on shift.

Q. Where were you at the particular time you had the conversation?

A. We were inside the plant, in the hallway that led to the plant proper.

Q. Was anyone else present when you and Mr. George were talking?

A. No, I don't believe there was anyone else present at that particular time. [539]

* * * *

Q. (By Mr. Ryan): Miss Monjar, would you relate the conversation with Mr. George on that occasion?

A. Yes, Mr. George told me that I was being

(Testimony of Elsie Monjar.)

framed by the Association and I would be fired, and to watch my step very carefully.

Q. Did he tell you where he had gotten that information?

A. I don't remember that he did tell me at that time where he got the information.

Q. Then within an hour or so thereafter, did you have occasion to be called into the superintendent's, Superintendent Cromwell's office? [542]

A. Yes, I was called by Pete Vitale away from my job over to a corner where Andy Bereznak and he were waiting. They both accused me of spreading malicious rumors about the Association.

Andy said, "Come on. We will settle this right now." They took me to Mr. Cromwell's office at that time. [543]

* * * *

Q. (By Mr. Ryan): Miss Monjar, about how long was it after Al George came to you that this Pete Vitale came to you?

A. About twenty minutes.

Q. He was a director of the C.E.A. at that time?

A. Yes, he was.

Q. Were you at work when Vitale came to you?

A. Yes.

Q. What did he say to you?

A. He said, "Come on over here. We want to talk to you for a minute."

Q. Was anyone present when he said that to you, other than yourself?

(Testimony of Elsie Monjar.)

A. He was speaking directly to me at my work bench.

Q. Where did he work at that particular time; do you know?

A. He was a leadman in the department. He moved around the floor.

Q. He was a leadman in your department?

A. Yes.

Q. Was he your leadman? A. Yes.

Q. Where did he take you to? Did you go with him to some spot?

A. Yes, I went with him about 10 feet over to the side of the room where Andy Bereznak was waiting.

Q. What was Bereznak's business in there at that particular [546] time? Was he an employee on that shift?

A. He was an employee on that shift, but not in that department.

Q. Where was the department he would normally be working at, if he was working at his job?

A. He was in the paint room, which was adjacent to the assembly department.

Q. Bereznak was an officer, was he not, of the C.E.A. at that time?

A. Yes, he was a member of the board of directors.

Q. When you and Vitale and Bereznak got together there, was anyone else present?

A. Not at that time, no.

Q. Did you have a conversation?

(Testimony of Elsie Monjar.)

A. A very brief conversation.

Q. Will you tell us what was said and by whom?

A. Mr. Bereznak asked me if I had made the statement that the Association was trying to frame me. I told him yes, I had, I had made it to Cecelia Martin.

At that point he said, "Come on, we will go settle this thing now. We will go in and see Mr. Cromwell."

Q. Did you and Bereznak leave the department then and go right into Cromwell's office?

A. Mr. Vitale went with us. The three of us went to Mr. Cromwell's office. [547]

Q. When you got into Superintendent Cromwell's office, whom did you find there, if anyone?

A. Mr. Cromwell was there and his secretary Howard Jorgensen.

Q. Now, what was said after you got in there?

A. We came in to Mr. Cromwell. He asked us to be seated. Then Andy Bereznak made the statement I had been circulating rumors to the effect the Association was trying to frame me.

Mr. Cromwell asked me if that were true.

I said I didn't consider it a rumor, it was a reported statement that had been made to me.

He asked me who had made the statement, and I told him Al George. He said, "We will get Al in here and settle this thing."

At that point he sent Howard Jorgensen for Al George, who came back within a space of a couple of minutes.

(Testimony of Elsie Monjar.)

Q. After George arrived in the office, will you tell us what was said and what was done and by whom?

A. Yes. At that time there was Vitale, Bereznak, Mr. Cromwell, Howard Jorgensen and Al George and myself in the office. Mr. Cromwell asked Al whether he had been circulating such a rumor. Al said he had just told me for my own protection that this thing was being planned, and to watch out for it.

Mr. Cromwell asked him for further details, which Al [548] refused to give until he was given a fair and open hearing. Mr. Cromwell became very angry and said, "We will have a hearing then tomorrow afternoon." And we broke up the meeting in his office at that time.

Q. The next afternoon did you attend a hearing?

A. I was there for a portion of the hearing, yes.

Q. Where did the hearing take place?

A. It took place on the second floor of the plant in the conference room.

Q. What notice did you receive the next day to attend the conference, or did you receive any special notice to come up to it?

A. Yes. My foreman told me to go upstairs to the conference room.

Q. Who was the foreman then?

A. Nick Gervasi.

Q. What did he say to you in that connection?

A. I don't remember his exact words. The substance of it was, "You are wanted up in the conference room."

(Testimony of Elsie Monjar.)

Q. About what time of day was that?

A. As I remember, it was in the afternoon, possibly 2:00 o'clock.

Q. You went to the conference room then; did you?

A. Yes, I did.

Q. When you got there was anyone else present?

A. Yes, the room was fairly well filled around the big table, the Board of Directors of the Association were present. Mr. Cromwell was there and the attorney for the Association.

Q. Pardon?

A. Joseph Lewis, the attorney for the Association, was present.

Q. Will you name as many of the Board of Directors whose names you know, as you can?

A. Yes. Floyd Izsom was there; Fred Clark was there—

Q. Clark?

A. Clark—Andy Bereznak was there; Pete Vitale. I don't remember whether George Fish was there or not. Those are the only ones I can place in relation around the table.

Q. Was Mandella there?

A. I don't remember him specifically. He probably was.

Mr. Cannon: I move to strike it out, "probably was", as being argumentative.

Trial Examiner Batten: It may be stricken. Of course, it is obvious it doesn't mean anything.

Q. (By Mr. Ryan): The attorney for the C.E.A. was named Joe Lewis; isn't that right?

A. Yes, that is right.

(Testimony of Elsie Monjar.)

Q. Superintendent Cromwell was there, too?

A. Yes.

Q. Was his man Jorgensen, his office boy, there?

A. I don't remember if he was there.

Q. Well, was Al George there?

A. Al George came in shortly after I was called in.

Q. Will you tell us what the first thing was you heard said when you got there, and by whom?

A. Mr. Lewis asked me to relate the conversation that we had had in Cromwell's office the day before.

I asked him to clarify exactly what my position was there in relation to the whole hearing.

He said it was merely a hearing to ascertain the facts of whether anyone in the shop was spreading false rumors about anybody else, and would I relate briefly the subject of the entire conversation I had had with Al George.

Q. Did you? A. I did so, yes.

Q. What did you say?

A. I told him that I had had a conversation with Al George in which Al told me that the Association was attempting to frame me, and to watch my step.

Q. Then what was the next thing that took place in the conference, if anything?

A. The next thing that took place was the questioning of Al George. But I was not there for that whole situation. As I recall, he asked for a chance to obtain an attorney and was informed he was supposed to have made that arrangement [551] prior to the hearing.

(Testimony of Elsie Monjar.)

Q. Was George sent for during the time you were there? A. Yes.

Q. He did come while you were there?

A. Yes.

Q. Who sent for him?

A. He was there before the hearing opened.

Q. Who sent for him?

A. I don't remember who sent for him.

Q. Now, this Floyd Izsom who was present as a Board of Director member, do you know what shift he worked on?

A. I know that for a while he was employed on the swing shift. I don't know whether he was transferred onto the day shift or not.

Q. At that time you don't know what shift he worked on? A. No, I don't remember.

Q. This Mr. Clark, who is a Board of Directors member, do you know what shift he worked on at that time? A. I am not sure.

Q. Well, you left, as I understand, before it was over; is that right?

A. Yes, that is right. I went back to work.

Q. Someone excused you and told you to leave, or did you just suggest you leave?

A. No. Mr. Lewis told me that was all they would need me [552] for.

Q. Did you return to your job on your shift?

A. Yes. As I remember I went back to work on the shift.

Q. After that did you have any further conversation with anybody representing the C.E.A. or the

(Testimony of Elsie Monjar.)

company, relative to this matter of false rumors?

A. No, I don't remember of having done so.

Q. Thereafter was there any change in your job?

A. Yes, I was shifted from the main section of the assembly department to a more isolated section where the stamping was done.

Q. Who did the shifting of your job?

A. My foreman, Nick Gervasi.

Q. About how long was it after this Al George matter that you have testified to that you were shifted?

A. I don't remember the exact date. It was a very short period after that, possibly a week or two.

Q. (By Trial Examiner Batten): What do you mean?

A. I mean that the main section of the assembly department was made up of a series of tables grouped together in orderly rows. The table I was shifted to was one approximately seven or eight feet away from the main section of the assembly department and isolated behind a series of boxes.

Q. All in one room?

A. That section of the building is under one roof. There [553] was a division, which was not a partition to the room, separating this section.

Q. You mean it was partitioned, there was a wall separating it?

A. It is not a wall. It is merely that some material was stacked there that separated that section.

Q. Were other employees working back there doing the same work? A. No.

(Testimony of Elsie Monjar.)

Q. You mean you were working there all alone?

A. That is right.

Q. How far were you from the nearest employee?

A. From the nearest employee working at a bench I was probably about seven or eight feet. There was, however, a spray cabinet there to which employees came over frequently to spray the castings after they were ready to be assembled.

Q. The employees came over there frequently near you, so you weren't isolated?

A. I was isolated in the sense I was working constantly at this table and a number of employees came over and used the spray table for a minute or a half minute, and would go away.

* * * *

[554]

Q. (By Mr. Ryan): Miss Monjar, about April, 1942, did you have occasion to have a conversation with your foreman, with Foreman Gervasi, about a leave of absence?

A. Yes, I requested a four weeks' leave of absence for the month of May.

Q. About when did you have the discussion with Mr. Gervasi about that leave?

A. It was late in April.

Q. 1942? A. 1942.

Q. Where did the conversation take place?

A. I told Mr. Gervasi that it was necessary—

Q. Where did it take place?

A. Where did it take place?

Q. Yes.

(Testimony of Elsie Monjar.)

A. It took place in the assembly department at the plant.

Q. What particular place in the assembly department? [557]

A. It took place at Mr. Gervasi's desk on the floor.

Q. Was anyone present other than you and Gervasi? A. No, no one else was there.

Q. Will you relate the conversation, please?

A. Yes. I asked Mr. Gervasi for a four weeks' leave of absence because it was necessary to take my mother back to Cincinnati, she was very ill. Mr. Gervasi told me that it was unfortunate that I had the connections I did and had made the record at Cannon I had in relation to union activities, because it was very hard for the company to grant me any favors when I had the attitude I did have.

He kept me at his desk about an hour pointing out the error of my ways to me in relation to the Association and the fact I shouldn't have come out for the C.I.O. like I did.

Q. Was your leave finally granted?

A. Yes, after about an hour's conversation, during which I was extremely upset because it was necessary for me to make that trip and it appeared it was going to be impossible.

Mr. Cannon: I move to strike that out.

Trial Examiner Batten: It may be all stricken.

Q. (By Mr. Ryan): Were you away from the place about four weeks at the plant while you took your mother back east?

(Testimony of Elsie Monjar.)

A. Yes, I was away for exactly four weeks.

Q. You returned to work for the company; did you?
A. Yes, I did. [558]

Q. The C.I.O. in the summer or fall of 1942, do you recall they petitioned the Labor Board to hold a second election out there?

A. Yes, they did.

Q. There was a campaign launched then by the C.I.O. in the summer of 1942, or the spring of 1942, that carried on through the summer and fall, is that right, for members?

A. Yes, that is correct.

Q. Were you active in that C.I.O. campaign?

A. Yes, I was very active in it.

Q. In the fall, about October, did you resign your job with the company?

A. Yes, I resigned my job about October 20th.

Q. 1942? A. 1942.

Q. And then you became an organizer for the C.I.O. full time for a while?

A. Yes. I was an International Field Organizer with the Electrical Workers.

Q. Part of your organizing activities involved the campaign to get Cannon employees into the C.I.O.; is that right? A. Yes, that is right.

Q. For this coming second Labor Board election; is that right? A. That is right. [559]

* * * *

(Testimony of Elsie Monjar.)

Redirect Examination

Q. (By Mr. Ryan): Miss Monjar, while you were employed by the company was a sort of a newspaper published by the company?

A. Yes, the Cannoneer was a monthly publication of the company.

Q. Was it published monthly, you say?

A. To the best of my memory it was a monthly publication.

Q. Who was in charge of the publication of that while you were there? A. Bruce Lindeke.

Q. Who was he? [601]

A. He was the editor. He was an employee of the company. Mr. Frank Hobart, whose official title I don't know—I believe he was in the public relations department. However, he was also working on the staff.

Mr. Ryan: Do you know what his title was, Mr. Cannon, Frank Hobart?

Mr. Wilcox: He is employee relations director. He is editor-in-chief of the Cannoneer and employee relations director.

Mr. Ryan: How long has he held those positions?

Mr. Wilcox: Approximately five years, I would say.

Mr. Cannon: He has been with Jim Cannon about 20 years.

Mr. Ryan: I just wondered about his present position.

Q. (By Mr. Ryan): Now, Miss Monjar, while

(Testimony of Elsie Monjar.)

you were an employee of the company, were you at any time on the editorial staff of the Cannoneer?

A. Yes, I was.

Q. Will you tell us about when that was you were on the staff?

A. To the best of my memory it was a period of two or three months. Roughly, from September to December of 1941.

Q. And at that particular time were you on the editorial staff of any other newspaper?

A. Yes, I was writing for the U.E.-Cannon News.

Q. The U.E.-Cannon News was the United Electrical, Radio and Machine Workers, C.I.O. News?

A. Yes.

Q. Did that organization put out a newspaper which they circulated to employees of Cannon Electric Development Company?

A. It wasn't a form of a newspaper. It was a form of mimeograph bulletin. It served the purpose of a newspaper.

Q. You wrote articles for that paper?

A. Yes.

Q. Your duties in connection with the Cannoneer were to write articles, also?

A. Yes.

Mr. Ryan: Miss Reporter, will you please mark these documents as Board's Exhibits next in order?

(The documents referred to were marked as Board's Exhibits Nos. 41-A, 41-B and 41-C, for identification.)

Mr. Ryan: I have had marked as Board's Exhibits 41-A, 41-B and 41-C for identification what

(Testimony of Elsie Monjar.)

purport to be copies of the Cannoneer publication of the Cannon Electric Development Company.

Mr. Cannon: Give me the dates of them.

Mr. Ryan: The date of the issue which is Board's Exhibit 41-A for identification is for the month of September, 1941. It is Volume I, No. 5 issue.

Board's Exhibit 41-B for identification is dated for the month of November, 1941, Volume I, No. 7 issue.

Board's Exhibit 41-C for identification is dated March, [603] 1942. Do you wish to see them, counsel?

Mr. Cannon: No.

Q. (By Mr. Ryan): Miss Monjar, I show you Board's Exhibit 41-A for identification and ask you whether or not you were on the editorial staff of the Cannoneer as of the time that publication was issued.

A. Yes, I was.

Q. Is there anything on the document itself which lists you as a member of the staff?

A. Yes, the list of staff associates here (indicating).

Q. They are listed on page 2 in the first column at the bottom of the page; is that right?

A. Yes.

Q. The editorial staff? A. Yes.

Q. Now, Miss Monjar, in connection with Board's Exhibit 41-A for identification, directing your attention to page 2, the first column on the left-hand side of the page at the bottom, the heading the "Cannoneer" and then underneath that "Published monthly in the interest of the employees of Cannon

(Testimony of Elsie Monjar.)

Electric Development Company." Do you know whether or not any of those members listed there were officers or representatives of the Cannon Employees' Association?

A. Yes, James Barton was a member of the board of directors. Floyd Cate was a member of the board of directors. I don't [604] remember whether at that time he was or not. He was subsequently. Joseph Canale was shop steward in the Association. To the best of my memory Bob Miller was a shop steward in the Association. That is all on that one that I remember.

Q. Looking at Board's Exhibit 41-B for identification, the editorial staff members are listed on page 2 in the first column at the bottom of the page in the same respective location, is that right, of the magazine?

A. Yes.

Q. Also on Board's Exhibit 41-C for identification. Now, Miss Monjar, did you have a conversation with Mr. Hobart about your membership on that editorial staff at any time after you had become a member of the editorial staff of the Cannoneer?

A. Yes, I did.

Q. About when did that take place?

A. To the best of my memory it was in November, 1941.

Q. Where did it take place?

A. It took place at Mr. Hobart's desk on the second floor of the company's premises there.

Q. Were you called in there by him?

A. Yes, he called me up to his office.

(Testimony of Elsie Monjar.)

Q. He called you away from your work on the occasion? A. Yes. [605]

Q. Will you tell us whether anyone else was present during that conversation or not?

A. There was no one at Mr. Hobart's desk with me. Bruce Lindeke was sitting about 3 or 4 feet away from us at his desk.

Mr. Cannon: Who was?

The Witness: Bruce Lindeke, the editor of the *Cannoneer*.

Q. (By Mr. Ryan): He is listed as editor in this paper, the *Cannoneer*?

A. Yes, that is right.

Q. Will you tell us what the conversation was? Tell us what he said and what you said.

A. Yes. Mr. Hobart told me there was a complaint about my writing for the *Cannoneer* staff when I was also on the editorial board of the U.E.-Cannon News. He told me—

Q. That is the C.I.O. paper you have identified?

A. The C.I.O. paper, yes. He told me either I would be forced to resign from the *Cannoneer* staff or I would be forced to stop writing for the Association paper, if I wished to continue my work on the *Cannoneer*. I told him—

Q. Just a minute. You have referred to the Association paper. What paper did you have reference to by the words "Association paper"?

A. Did I use the word "association"?

Q. Yes. [606]

A. I am sorry. That was a mistake. The only

(Testimony of Elsie Monjar.)

question that came up at that time was between my writing for the company paper, which was the Cannoneer, and my writing for the U.E.-Cannon News, which was a C.I.O. paper. There was no question of the Association involved in any way.

Q. Go ahead with the conversation, Miss Monjar.

A. Shall I go back to where Mr. Hobart told me about either writing for the company paper or writing for the C.I.O. paper?

Q. Yes.

A. I told him that to me there was no choice involved there. I said that inasmuch as the Cannoneer was a company paper, which was supposed to represent the attitudes and the interests of the employees of the company, that the question of my personal membership in any organization was not at stake. However, if there were no choice and I would obviously be forced to resign from the Cannoneer and represent the employees in the way I felt they could be best represented, which was through the paper which they controlled themselves, the U.E.-Cannon News, I would.

Q. You had reference to staying with the C.I.O. paper, this U.E.-News?

A. Yes, I did.

Q. Did you resign then?

A. Yes, I resigned at Mr. Hobart's request.

Q. Now, I show you Board's Exhibit 41-A and 41-B. Were [607] both published at the time you were a member of the staff?

A. Yes.

Q. Now, Board's Exhibit 41-C was published after you had resigned, several months after you

(Testimony of Elsie Monjar.)

had resigned; is that right?

A. Yes, that is correct.

Q. Because it is a March publication, 1942. Now, I direct your attention to page 2 of that document, to the first column, to the bottom of the page, where the editorial staff members are listed. I ask you if there are any members on that staff who were C.E.A. officials.

A. Yes. James Barton, Joe Canale, Bob Miller, to the best of my memory John Gibson.

Q. Who was he at that time?

A. He was a member of the board of directors. He was on the staff as a cartoonist.

Q. Pick out the other board of director members on that staff as of March, 1942. James Barton, was he one?

A. Yes. Jim Barton was one. Jim Canale, was a shop steward.

Q. For the Cannon Employees' Association?

A. For the Cannon Employees' Association, yes. Bob Miller, to the best of my memory, was a shop steward for the Cannon Employees' Association. I believe Sarah Scudder was also an Association steward. As to that I am not entirely sure. She was at one time, to the best of my memory. I believe [608] that is all with the addition of John Gibson.

Q. By the way, at least some of these you have mentioned were on the staff, some of these C.E.A. people were on the staff while you were there, is that right, and obviously continued afterward because they remained on the staff?

(Testimony of Elsie Monjar.)

A. Yes, that is true. All of them except John Gibson, who, I believe came on later after I resigned from the staff.

Q. Anyway, while he was on there he was a C.E.A. representative? A. Yes.

Mr. Ryan: I offer Board's Exhibits 41-A, 41-B and 41-C in evidence.

Trial Examiner Batten: Is there any objection?

Mr. Cannon: They are objected to on the ground they are not within the issues laid in the complaint and the amendments there, and therefore have no relevancy to the issues.

Trial Examiner Batten: Of course, I don't believe, Mr. Ryan, that the entire document has; has it?

Mr. Ryan: No. I might say, Mr. Examiner, that I am putting them in to list the members of the editorial staff as of the time she was there, and putting in a later issue. I didn't put in consecutive issues. I wanted to show the C.E.A. representatives were there while she was there, and continued on.

Trial Examiner Batten: Is that the only purpose for [609] offering them?

Mr. Ryan: Yes.

Trial Examiner Batten: Well, isn't that clear in the record, without offering these?

Mr. Ryan: Well, I would like to have the entire listing of staff members in evidence, because it may come out later on some more of those people were C.E.A. representatives.

Trial Examiner Batten: They will be received

(Testimony of Elsie Monjar.)

for that purpose, showing the list of staff associates, and so forth. Does that appear on page 2 of each one of these?

Mr. Ryan: Yes; the same location in the page.

Trial Examiner Batten: They will be received showing the staff of the Cannoneer appearing in the lower left-hand corner of each issue on page 2. You will not need to have duplicates of those.

(The documents heretofore marked as Board's Exhibits Nos. 41-A, 41-B and 41-C, for identification, were received in evidence.)

Q. (By Mr. Ryan): Miss Monjar, you mentioned yesterday one leadman that was a member of the board of directors while you were employed by the company. Can you name any other leadmen that were representatives of the Cannon Employees' Association while you were employed by the company? A. Yes. Joe Canale was a leadman.

Q. What department? [610]

A. Assembly department. He was a shop steward of the Association. Ned Mandella, before he was a full-time representative of the Cannon Employees' Association, was a shop steward. Mel Schwab was—

Q. You say before he was a full-time representative of the Cannon Employees' Association Mandella was a shop steward?

A. He was a shop steward of the Cannon Employees' Association while he was employed by the company. [611]

MONNA MONNETTE NYE,

a witness called by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

Direct Examination

Q. (By Mr. Ryan): Will you state your name, please, Miss Nye? A. Monna Monnette Nye.

Q. What is your address?

A. 3901 Berenice Avenue.

Q. How do you spell that?

A. B-e-r-e-n-i-c-e.

Q. Is that in Los Angeles, California?

A. Yes, it is.

Q. Approximately when did you begin your employ with that Company?

A. March 30th, somewhere in March, of 1941.

Q. In what department did you first work?

A. Department 7.

Q. What department is that, other than by number, can you [617] tell us?

A. Let's see, there is burring in there and bench lathes and drill presses and ribbon centers.

Q. What was your first job?

A. I was on the burr bench.

Q. Did you stay on that job?

A. No. Then I went to the ribbon centers and then I went to the lathe. And later I went up in the machine shop. Then I went on to the automatics.

Q. Who was your foreman when you first went to work there? A. Glen McClung.

Q. Did he continue to be your foreman all of the time you were there?

(Testimony of Monna Monnette Nye.)

A. No. Bill Yockey was our foreman for a while.

Q. When was McClung your foreman?

A. Well, let's see,——

Q. What jobs were you doing?

A. Well, he was my foreman—he put me on the lathes, I think. I can't remember. It has been quite a while ago.

Q. By the way, are you still employed by the company? A. Cannon?

Q. Yes. A. No.

Q. When did you leave the employment of the company?

A. They fired me in June, June 12, 1943. [618]

Q. At the time of your discharge, who was your foreman?

A. He was the foreman in the machine shop. I forget his name.

Q. At that time? A. Yes.

Trial Examiner Batten: Who was your foreman?

The Witness: I forget his name. He was a little, short fellow.

Q. (By Mr. Ryan): He was the foreman of the machine shop? A. I forget his name.

Trial Examiner Batten: I notice the complaint says June 15th. The witness said June 12th.

The Witness: Our time cards weren't there June 12th.

Q. (By Mr. Ryan): That is the date you recall now?

(Testimony of Monna Monnette Nye.)

A. We went to work, yes, and our time cards weren't there.

Trial Examiner Batten: You mean on the day of the 12th?

The Witness: On the day of the 12th when we went to work.

Mr. Cannon: She left the plant on June 12th.

Mr. Ryan: I move to amend the complaint to correct the date in that respect, on her discharge.

Trial Examiner Batten: With no objection, the amendment will be allowed.

Q. (By Mr. Ryan): Miss Nye, after you were employed by the company, within the first few days or weeks after you had [619] begun working for the company, did it come to your attention there was an association being formed in the plant of the employees?

A. There was a recreation sports club, or something like that.

Q. Was it Cannon Recreation Association?

A. Yes.

Q. How did it first come to your attention there was such an association among the employees?

A. After I had been there a while, I was in the rest room——

Q. About how long, Miss Nye?

A. A month or so, something like that; a month or two. And they asked me if I was going to join this sports club.

Q. Who asked you, Miss Nye?

A. There is a girl named Jeanne something, I forget her last name.

(Testimony of Monna Monnette Nye.)

Q. Where were you at the time?

A. I was in the rest room. The one where Sarah Scudder had the first rest room there.

Q. Who was Sarah Scudder?

A. She was the Matron.

Q. The Matron in the employ of the company?

A. Yes.

Q. What generally were the duties of the Matron?

Mr. Cannon: I object to that as calling for her conclusion. [620]

Trial Examiner Batten: If she knows.

Q. (By Mr. Ryan): If you know.

A. You know, if we got sick or something like that, she would take care of us, or she would give us nickels, keep the rest room clean and issue us lockers, I think it was.

Q. Was there one stationed at each women's rest room?

A. Yes, there was.

Q. Now, in that rest room did you see any bulletin regarding this Association?

A. Yes, when they asked us to join this sports club they asked us to sign something, sort of like a bulletin. It was taped up on the wall, and we signed our names to it.

Q. You say when they asked you. We have to know who these people are.

A. This girl Jeanne, I don't know her last name.

Q. Was there an occasion about a month after you went there when she asked you to join this Association?

A. She asked me if I was going to join. And

(Testimony of Monna Monnette Nye.)

Sarah said it was something about sports and it was a nice club, or something like that.

Q. Sarah Scudder?

A. The Matron in there.

Q. Was she there at the same time this Jeanne was talking to you? A. Yes. [621]

Q. The two of them were talking about it?

A. Yes.

Q. Were there other girls in the rest room at the time, also? A. Yes.

Q. Go ahead and tell us what the conversation was, now.

Trial Examiner Batten: What did this other girl do whose name you don't remember?

The Witness: First of all, we signed this petition. The dues were 50 cents a month——

Trial Examiner Batten: What is the name of the girl you said asked you to sign it?

The Witness: Jeanne?

Trial Examiner Batten: Yes.

Mr. Ryan: Yes.

Mr. Cannon: She collected the dues afterward.

Trial Examiner Batten: What did she do for the company? What was her job? Where did she work?

The Witness: I think she was in Department 2 at the time; I don't remember. I remember she was in Department 2 one time, I think. But maybe not then, because she was a new employee, too, at that time.

Trial Examiner Batten: I don't think it is ma-

(Testimony of Monna Monnette Nye.)

terial, anyway. She was just an employee like you; wasn't she?

The Witness: Yes. [622]

Q. (By Mr. Ryan): Did you sign up one of the Association petitions there in the rest room on that occasion? A. Yes, I signed that petition.

Q. Did you pay any money to the Association there?

A. They had to get my card first. Then she got my card.

Q. Jeanne did?

A. Jeanne did, yes. Then I give her 50 cents and she would punch it.

Mr. Ryan: Miss Reporter, will you please mark this document as Board's exhibit next in order?

(The document referred to was marked as Board's Exhibit No. 42, for identification.)

Mr. Ryan: I have had marked as Board's Exhibit 42 for identification what purports to be a card for the Cannon Employees Recreation Association, a dues card. I show it to counsel.

Q. (By Mr. Ryan): Miss Nye, I show you Board's Exhibit 42 for identification, and direct your attention to the name appearing thereon in ink, Monna Nye, and ask you if that is your name? Is that your signature?

A. No, I don't think that is my signature. They gave us the card and our name was on it.

Q. I see. Who gave it to you?

A. This girl Jeanne.

(Testimony of Monna Monnette Nye.)

Q. When did you receive this card, as best you can remember? [623]

A. Well, about two or three months after I had been there.

Trial Examiner Batten: Speak a little louder, Miss Nye.

The Witness: About two or three months after I had been there, I forget just when, within a couple of months. May is the first time I paid dues there.

Mr. Cannon: Then you received it in May, is that the idea?

The Witness: That is when I paid my first 50 cents.

Q. (By Mr. Ryan): Now, I notice that on across the bottom of the card there are dates for January, February, March, April and so on, for an entire year. Below the month of May and below the month of June there are two holes punched out. Will you tell us what that means, what that refers to?

A. That means I gave Jeanne the 50 cents for May and the 50 cents for June.

Q. Do you recall, as you paid her the dues, she punched that card out for the month?

A. Yes; she had a little punch.

Q. Two holes are punched there, one for May and one for June. What does that indicate?

A. That means I didn't pay dues before or after, it looks like.

Q. It does mean you did pay dues for those two months; is that right? A. Yes. [624]

(Testimony of Monna Monnette Nye.)

Mr. Ryan: I offer this little card in evidence, Board's Exhibit 42 for identification.

Trial Examiner Batten: If there is no objection it will be received.

(The document heretofore marked as Board's Exhibit No. 42 for identification, was received in evidence.)

[Printer's Note:] Board's Exhibit No. 45 is set out in full at page 694 of this printed Record.

Q. (By Mr. Ryan): At the time you paid your dues, during May and during June, was that May and June of 1941? A. Yes, sir.

Q. At the time you paid those dues, can you tell us where you paid them, on each occasion where you were? A. In the rest room.

Mr. Cannon: She said she paid them at one time to this Jeanne.

Q. (By Mr. Ryan): Did you pay two months' at one time? A. No. No, I saw Jeanne twice.

Q. Where did you see her on the occasions, each of the occasions you paid these dues?

A. Most always in the rest room. That is about the only time we had a chance to see one another. She would get her punch out.

Q. Was that during your working hours?

A. That was just before our working hours, in the rest room.

Q. In the morning? [625]

A. In the afternoon. I worked the swing shift.

Q. At the same time you paid those dues that

(Testimony of Monna Monnette Nye.)

you did pay during May and June, 1941, on those specific occasions, did you observe her collecting from other girls there in the rest room?

A. Yes.

Q. Did you at any time after you began to work for the company, and in the summer of 1941, particularly have occasion to join any other labor organization? A. Yes.

Mr. Cannon: I object to the words "any other labor organization" because no evidence has been presented here that was a labor organization.

Trial Examiner Batten: I suppose the Board contends it is. I will have to decide it. As I said once before, the questions you attorneys ask, I am not going to draw any inference from those.

The Witness: In July, July 17th I joined the U.E.-C.I.O.

Q. (By Mr. Ryan): You joined the United Electrical, Radio and Machine Workers, C.I.O.?

A. Yes, I did.

Q. Did you cease to be a member of this recreation association you had joined, or this association that was represented by that card that was just introduced in evidence?

A. I didn't pay dues after that to C.E.A. [626]

Q. By the way, at the time that you were paying these dues that you did pay in May and June, was it brought to your attention that there was an Association known as the Cannon Employees' Association in the shop?

A. Well, it was starting to change or something,

(Testimony of Monna Monnette Nye.)

because right after that they started to pay a dollar a month, or something like that. Shortly after then they started paying a dollar a month to the C.E.A.

Q. Were the names used interchangeably, to your knowledge?

A. We all talked about it. We would say something and sometimes we would say something else, and it was all the same idea.

Trial Examiner Batten: The question to you is: Do you know this card you had here was for the Cannon Employees' Recreation Association.

The Witness: It wasn't recreation afterward, just Cannon Employees' Association.

Trial Examiner Batten: After what?

The Witness: Just shortly after I went into the C.I.O., if I remember correctly.

Q. (By Mr. Ryan): They started calling the association the Cannon Employees' Association?

A. We always just called it the C.E.A.

Q. Now, after you became a member of the C.I.O., did you wear your C.I.O. button? [627]

A. Yes.

Q. In the shop? A. Yes.

Q. Were you there when the first National Labor Relations Board election was held?

Trial Examiner Batten: What is your answer? Were you there when the first Board election was held?

The Witness: Yes.

Q. (By Mr. Ryan): After that election was held, did you have occasion to be approached by

(Testimony of Monna Monnette Nye.)

Mr. Andy Bereznak and anyone else connected with the Association?

A. I was on the ribbon centers and Andy Bereznak and Ray Lampkin came around and asked me if I joined the C.E.A.

Q. About how long after the National Labor Relations Board election do you estimate it was that they came to you?

A. About a week, I think.

Q. About a week later?

Mr. Cannon: Bereznak and who else?

The Witness: Ray Lampkin. He was a leadman on the ribbon centers.

Q. (By Mr. Ryan): Was he your leadman?

A. Yes, he was my leadman.

Q. Where did Bereznak work at that time; do you know?

A. I don't remember. I think he worked in the paint shop.

Q. Do you know he didn't work in your particular department? [628]

A. No, he didn't work in our department.

Q. What time of day, approximately, was it when he came to you?

A. It was in the afternoon some time before rest period, before 5:00 o'clock.

Q. While you were on your shift?

A. I was working on the ribbon centers when they came around and asked.

Q. Did they come together, these two gentlemen you named?

(Testimony of Monna Monnette Nye.)

A. Yes. Whatever line they would go to the lead-man would go around with them. At least, he did on our line, because I saw them go to other places, too.

Q. What was the conversation when they approached you, Miss Nye?

A. Well, Andy asked me if I had joined the C.E.A., and he says it was a pretty good organization. He says, "Maybe if we all work together we could make it function right." I wouldn't quote him, but that was the general idea.

Ray Lampkin said, "Yes, it would stop all this friction that is in the plant." And that there would be peace again. Would I join, something like that.

Q. Did you then sign up a C.E.A. card?

A. After the first election, I did.

Q. Was that before the first election or after the first election? [629]

A. That was after the first election.

Q. Then were you approached thereafter by Bereznak again on any occasion about the C.E.A.?

A. They asked me several times before I finally did. On this last time I did.

Q. About how many times were you approached?

A. If I remember correctly, a couple or three times.

Q. In how short a period?

A. Oh, let's see. The first time he approached me it was about a week after the election. Then I think it was about a month before I finally did go with the C.E.A.

(Testimony of Monna Monnette Nye.)

Q. Did Bereznak approach you again during that month? A. Yes. It was mostly Andy.

Q. Was it about a month after the first time he asked you again?

A. A month or three weeks, something like that.

Q. Was it at the same place he approached you again that he approached you on the first occasion?

A. I remember twice he approached me at my machine. I forget what other place it was he approached me.

Q. On the second occasion when he approached you, who was present?

A. Ray. It was mostly always with Ray.

Trial Examiner Batten: Who is Ray?

The Witness: Ray Lampkin. He was our leadman on the [630] ribbon centers.

Q. (By Mr. Ryan): At the same time that Bereznak approached you, did you also observe that he approached anyone else in your department on that occasion?

A. Yes, he was going around to all the people that hadn't as yet signed up.

Q. Did you see him doing that?

A. Yes. He went all down our line on the ribbon centers.

Trial Examiner Batten: Was Mr. Lampkin with him when he did that?

The Witness: Yes, on the ribbon centers. Not on the others, no, because he wasn't leadman there.

Q. (By Mr. Ryan): Did you ever have occasion to observe an election of the Cannon Employees'

(Testimony of Monna Monnette Nye.)

Association being held there at the plant while you were employed?

A. You mean in with the C.E.A. and C.I.O.?

Q. I am not talking about the Labor Board election. I am talking about the election of officers for the 'Cannon Employees' Association.

A. Yes, there was, I think, about three.

Q. About three elections? A. Yes.

Q. Will you tell us about when it was when you first saw the first election being held there at the plant?

A. The first one, if I remember, was in the cafeteria. [631]

Q. About when was that?

A. It was after the first elections because we were starting to elect a board of directors, a new board of directors.

Q. After the first Labor Board election?

A. After the first Labor Board election.

Q. About how long after that, to the best of your recollection? A. Oh, a couple or three months.

Q. Will you tell us about that election? You say it was held in the cafeteria? A. Yes.

Q. How long approximately were the polls open, the voting hours? A. All day.

Q. All day long? A. Yes.

Q. Did you vote in that election?

A. Yes, I voted in it.

Q. Where was the ballot box located? Was that in the cafeteria?

A. It was on one of the tables in there.

Q. In the cafeteria? A. Yes.

(Testimony of Monna Monnette Nye.)

Q. Were you given a ballot to vote by? [632]

A. Yes, we were given a ballot and we had—if I remember we had to sign something, too.

Q. Sign some register or something?

A. Yes, if I remember correctly.

Q. Now, after you received your ballot where did you go to mark it? Was there a place set aside for you to mark your ballot?

A. We just all marched around the tables, around there. There were pencils, you know, for everyone to use.

Q. Were there any voting booths? A. No.

Q. It was just out in the open on the tables?

A. Yes.

Q. Who was in charge of the voting table and the ballot boxes and the ballots, if anyone?

Mr. Cannon: I object to that as calling for a conclusion.

Trial Examiner Batten: She may tell us who was there at the time, if she knows.

The Witness: There was—I was there to see the ballot box wasn't stuffed. And Andy Bereznak and let's see——

Trial Examiner Batten: Were you there all day?

The Witness: No, I was there—let's see. I was there before I went to work in the afternoon and just a little bit afterwards. Then I was there at supper time, just a little bit [633] before and a little bit afterward, so I would have time to get out there. Then I was there after work, that night after I came off our shift.

(Testimony of Monna Monnette Nye.)

Q. While you were there, who else was there?

A. Andy.

Q. Bereznak? A. Andy Bereznak.

Q. And who else?

A. I can't remember who else was there. There was about four or five people there to watch the box.

Q. Now, at the time that you were on shift, you didn't stay there all day and watch the ballot box. Who took care of the box while you were gone, if you know? How was that taken care of?

A. I don't remember. I think they were given to the guards, or something.

Q. Plant guards?

A. Yes. The office out there where the guards are, but I don't remember exactly.

Trial Examiner Batten: You don't know who was there when you were gone; do you?

The Witness: No, I don't know who was there when I was gone.

Q. (By Mr. Ryan): Did you have anything to do with making any arrangements for the guarding of the ballot box during [634] the time that you were to be away on your shift? A. No.

Q. Now, did you take any part in the counting of the ballots for that election? A. Yes.

Q. Where were the ballots counted?

A. Let's see, I think they were upstairs in one of the conference rooms, something like that.

Q. There at the plant? A. Yes.

Q. Who took part in the counting?

A. Let's see, I think there was Mandella.

(Testimony of Monna Monnette Nye.)

Q. Ned Mandella?

A. Ned Mandella, and Andy Bereznak and Shirl Barnett and Clarence Armant, and Vivian Sullivan——

Q. She was a fellow employee?

A. Yes. And let's see, that is about all I can remember of the people that were there.

Q. Did Shirl Barnett, was he a representative of the C.E.A., so far as you know, at that time?

A. He was running on the ballot.

Q. He was one of the candidates?

A. One of the candidates.

Q. Was that the time when Clarence Armant was running for membership on the board of directors? [635]

A. Yes.

Q. Did you mention Floyd Izsom as one of the counters of ballots?

A. Yes, I think he was there, too.

Trial Examiner Batten: You say you think. Do you recall whether he was or he wasn't?

The Witness: I wouldn't swear on a stack of Bibles he was there, but I think he was.

Q. (By Mr. Ryan): Now, did you know Clarence Armant?

A. Yes.

Q. Did you have occasion to be working in the shop one day, about the latter part of August, 1942, when some of the employees left their work and went into the cafeteria?

A. Yes.

Q. In connection with matters involving Armant; do you know?

A. Yes.

(Testimony of Monna Monnette Nye.)

Q. Will you tell us just what happened that afternoon while you were at work?

A. Well, it was around 5:00 o'clock and we were on our rest period. I was in the rest room and I saw all the girls from back in the assembly start running by. Well, I didn't know what it was, so I ran out and asked them where they were going. If I remember correctly I asked Mabel Peasley.

Q. Was she an employee in the assembly department?

A. She worked back in there. There were other people back [636] there, too. I don't remember the names of some of the other girls, that I asked. I asked where they were going.

They said they were going to a production meeting in the cafeteria.

I asked them several times as they went back where they were going, and they were all going to this meeting in the cafeteria.

Q. Prior to the time when you saw these girls going into the cafeteria and you talked to this Peasley girl, had you seen Barnett, Andy Bereznak or Izsom?

A. I saw them out there. I saw them talking to different people.

Q. How long before you saw the girls going toward the cafeteria?

A. It was before the rest period I saw them out there, but I didn't think anything of it because they were always going around and talking like that.

Q. You saw Barnett and Bereznak going through the department; did you?

(Testimony of Monna Monnette Nye.)

A. Yes, and Floyd Izsom. And let's see who else. That is about the only ones I remember seeing. They were pointing to go out in the cafeteria with their thumbs, like this (indicating).

Q. Barnett and Bereznak?

A. Yes. I went to my rest period, and all these girls [637] started flying by.

Q. What did you do then? Did you go with them?

A. I thought if it was a production meeting we would naturally be involved.

Q. Where did you go? You were there at the rest room. Where did you go? Did you go back to your department?

A. I went back to my department. I thought maybe they were going by departments. We never did leave.

Q. Did you ask anybody whether you should or not?

A. I remember asking somebody if we were going to go, and I got a definite answer no we wasn't going to go. But I don't remember who it was.

Q. Anyway, you didn't go to the cafeteria?

A. I didn't, no.

Q. Did you keep on working?

A. Yes, we went back to our machines and went to work.

Q. Did the other people in your department keep on working? A. Yes, all of us.

Q. Did you observe the others were working, too?

A. Yes. Those men didn't come in our department.

Q. By "those men" whom do you refer to?

A. Andy Bereznak and Floyd Izsom and Shirl Barnett; those three. [638]

* * * *

VIVIAN MARY SULLIVAN,

a witness called by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

Direct Examination

Q. (By Mr. Ryan): Will you state your full name, please, Miss Sullivan?

A. Vivian Mary Sullivan.

Q. What is your address, please?

A. 3901 Berenice Avenue.

Q. That is here in Los Angeles, California?

A. Los Angeles 31.

Q. Miss Sullivan, were you ever employed by the Cannon Manufacturing Corporation?

A. Yes.

* * * *

Q. (By Mr. Ryan): Miss Sullivan, would you tell us approximately when you began to work for this Company? A. April 9, 1941.

Trial Examiner Batten: What year? [652]

The Witness: 1941.

Q. (By Mr. Ryan): In what department did you begin to work for the company?

A. Department 11.

Q. Who was your foreman?

A. Glen McClung.

(Testimony of Vivian Mary Sullivan.)

Q. How long did you remain in that department?

A. Oh, about a year and a half, I believe.

Q. Are you still employed by the company?

A. No, I was fired June 12th.

Q. June 12th? A. Yes.

Q. What year? A. 1943.

Q. 1943? A. That is right.

Q. Were you in that department when you left the employ of the company?

A. I was in the machine shop.

Q. Who was your foreman?

A. His last name was Bingham; Mr. Bingham.

Q. Bingham? A. Yes.

Q. Now, Miss Sullivan, while you were employed there and during the early part of your employment, did you have occasion [653] to learn of the existence of an organization known as Cannon Recreation Association?

A. I was in the rest room at the time when Sarah Scudder, the matron, was telling us that it would be a nice recreation to join, we would have swimming, horseback riding and that.

Q. About how long had you been employed there by the company at that time?

A. It was a few weeks.

Q. A few weeks? A. Yes.

Mr. Cannon: Pardon me. Is that the same conversation when Miss Nye was present?

The Witness: No, she wasn't present at the time.

Q. (By Mr. Ryan): You were in the rest room. Was anyone present, other than you and Miss Scudder?

(Testimony of Vivian Mary Sullivan.)

A. Oh, yes, there was a group of girls, Nina Kantor and there was Jean Cassidy, who was in. It was before we started to work.

Q. They were all fellow employees?

A. Yes, they were.

Q. Was this matron on the job there at the time, at the rest room?

A. It was just before working time, and she was in there telling us about it.

Q. Was it before her working period? [654]

A. Yes.

Q. And she was telling you about this recreation association?

A. Yes, that it would be a good association to join.

Q. Did you then sign up with the association?

A. I joined up, but I asked Jean Cassidy, she was the girl who was taking the cards, the names, and punching them. I asked her for a card and she said she didn't have any, and told me to get one at the tool crib window from Andy Bereznak and Ned Mandella.

Q. At the time you asked Jean Cassidy what you have testified to, was that on the same occasion you just related as to this conversation with Miss Seudder?

A. No, that was a few days after that I asked Jean for a card and she was out of them.

Mr. Ryan: Miss Reporter, will you mark this for identification, please?

(Testimony of Vivian Mary Sullivan.)

(Thereupon, the document referred to was marked Board's Exhibit No. 44, for identification.)

Q. (By Mr. Ryan): Miss Sullivan, I show you what has been marked as Board's Exhibit 44, for identification, purporting to be a Cannon Employees Recreation Association dues card, and ask you whether or not the name Vivian Sullivan appearing thereon is your name?

A. Well, there was a correction, in my birth certificate. At the time I sent to Sacramento for a change. In the meantime, [655] my mother died and I couldn't get it fixed up.

Q. This is your name (indicating)?

A. Yes, but it was a mistake on the birth certificate.

Mr. Cannon: I will stipulate that is her card, if you say it is.

Mr. Ryan: All right.

Q. (By Mr. Ryan): I notice on the bottom of the card in the column for dues check-offs, there is a punched out mark for June and the word "Pd." in May. Does that indicate that you paid dues to the Recreation Association?

A. Yes, I paid fifty cents each month, one is for May and one is for June.

Q. 1941? A. Yes.

Q. Where did you obtain that card from, in the first place?

A. I obtained it from Ned Mandella at the tool crib window.

(Testimony of Vivian Mary Sullivan.)

Q. The first time that the card indicates you paid dues was in May. Was that the time you got the card, about May, 1941?

A. Yes. I had to go to the tool crib window for it.

Q. On the occasion when you went to the tool crib to see Mandella about getting the card, was that during your working hours?

A. No, it was when lunch period was supposed to be started.

Q. Was Mandella working at the tool crib? [656]

A. He was there.

Q. Did you pay any money to him at the time you got the card, any dues?

A. I paid fifty cents then, and then the next month I paid fifty cents more at the tool crib window.

Q. You went to the tool crib window on both occasions to pay? A. Yes.

Q. And you paid Mandella?

A. Yes, and Andy Bereznak was there.

Q. After June did you have occasion to join any other labor organization?

Mr. Cannon: I object to the words "Other labor organization."

Q. (By Mr. Ryan): I will ask you if you had occasion to join the C.I.O. organization?

A. I joined the C.I.O. organization.

Q. Was that the United Electrical, Radio and Machine Workers, C.I.O.? A. Yes, it was.

Q. About when was it that you joined that organization?

(Testimony of Vivian Mary Sullivan.)

A. I believe either the latter part of June or some time in July.

Q. 1941? A. 1941. [657]

Q. Thereafter did you wear a C.I.O. button?

A. Yes, I did.

Q. Then thereafter the Cannon Employees' Association won a Labor Board election; is that right, in September, 1941? A. Yes.

Q. Thereafter a contract was entered into between the Cannon Employees' Association and the company; do you remember? A. Yes.

Q. Did you sign up with the C.E.A. after the election or after the contract was executed?

A. I signed up. They started taking dues out in '42. I signed up.

Q. After the C.E.A. contract was entered into in the fall of 1941, did you sign a membership card in the C.E.A.?

A. I don't believe I did. I signed to take out dues.

Q. Is that all you recall of signing?

A. That is all I recall.

Q. That slip you signed authorized the company to deduct C.E.A. dues from your paycheck, is that right, under the contract? A. Yes.

Q. Did you continue in the C.I.O., however, to be a member of the C.I.O.?

A. Off and on. [658]

Q. Off and on? A. Yes.

Trial Examiner Batten: What do you mean "off and on"? Do you mean sometimes you were a member?

(Testimony of Vivian Mary Sullivan.)

The Witness: Sometimes I didn't pay my dues.

Trial Examiner Batten: You mean in the C.I.O.?

The Witness: C.I.O. I paid dues in the C.E.A. when I had to have my dues deducted.

Trial Examiner Batten: You mean when you paid dues in the C.E.A. you did not pay dues in the C.I.O.; is that what you mean?

The Witness: There was quite some time I didn't pay, but I don't know if it was at that time.

Q. (By Mr. Ryan): Then did you become an Executive Board member at any time of Local 1013, U.E.-C.I.O., while you were employed by the Cannon Company?

A. I am not sure. I might have been on it, but I am not sure.

Mr. Ryan: Miss Reporter, will you mark this document as Board's exhibit next in order, please.

(Thereupon, the document referred to was marked Board's Exhibit No. 45, for identification.)

Trial Examiner Batten: Do you have any record of having been elected or being on the Executive Board of the C.I.O.?

The Witness: The only thing was if it was for parties [659] and that.

Q. (By Mr. Ryan): Of the C.I.O.?

A. Yes, if anything.

Mr. Ryan: I have had marked as Board's Exhibit 45, for identification, a document entitled "Open Letter to Workers of Cannon and C.E.A.",

(Testimony of Vivian Mary Sullivan.)

which bears the date the 5th month, 26th day, 1943.
I show it to counsel.

Miss Reporter, please mark this document as
Board's Exhibit next in order.

(Thereupon, the document referred to was
marked Board's Exhibit No. 46, for identifica-
tion.)

Q. (By Mr. Ryan): Miss Sullivan, I show you
what is marked Board's Exhibit 46, for identifica-
tion, and ask you whether or not you ever saw the
document before? A. Yes.

Q. Will you tell us what it is?

A. I was there.

Q. Will you tell us what it is?

A. We called their bluff, so I was on the Board
of Directors at that time.

Trial Examiner Batten: What is that? I didn't
hear.

Mr. Cannon: "We called their bluff. I was on
the Board of Directors."

Q. (By Mr. Ryan): Now, the document starts
off, "We, the Executive Board Members of Local
1013, U.E.-C.I.O. reaffirm [660] our stand that we
will not join the C.E.A." A. That is right.

Q. This was in May, 1943, that the document
was published; is that right? A. That is right.

Q. The names affixed to that document——

A. We signed our names.

Q. ——are yours and Vivian Sullivan——

A. That is right.

Q. ——and Monna Nye? A. Yes.

(Testimony of Vivian Mary Sullivan.)

Q. Is that the girl that just testified prior to your being on the stand? A. She did.

Q. And the rest of the people listed here on the document constitute the Executive Board Members of Local 1013, U.E.-C.I.O.; is that right?

A. Yes.

Q. You had this document printed; did you?

A. We had it printed right where our headquarters were.

Trial Examiner Batten: What is it, mimeographed?

The Witness: Mimeographed.

Mr. Ryan: Mimeographed.

Q. (By Mr. Ryan): It was mimeographed at the C.I.O. offices; wasn't it? [661] A. Yes.

Q. After it was printed, what did you do with it, if anything?

A. We stood outside the gate and passed them out.

Q. Outside of the gate of the Cannon plant?

A. Outside of the gate of the Cannon plant, to the workers going in.

Q. You and these other people that are listed on the bulletin?

A. The other people and myself.

Q. The other people refer to the people whose names appear on the bulletin?

A. Yes, they were all employees at that time.

Q. They were all employees of Cannon at that time; is that right? A. Yes.

Mr. Ryan: I have had marked as Board's Ex-

(Testimony of Vivian Mary Sullivan.)

hibit 46, for identification, a document purporting to be a notice of hearing, listing Cannon Employees' Association, a non-profit California corporation, Complainant, vs. Louis Turnie, Mary Donovan Tankeson, Erma Evenstad, Vivian Sullivan, Monna Nye, Joan Lawrence, William Youngberg and Donald M. McClellan, Defendants. It is a five-page document, with a sixth page attached to it listed as Exhibit A. I show it to counsel.

Miss Reporter, please mark this document as Board's exhibit next in order. [662]

(Thereupon, the document referred to was marked Board's Exhibit No. 47, for identification.)

Q. (By Mr. Ryan): Miss Sullivan, I show you what has been marked as Board's Exhibit 46, for identification, and ask you if you ever saw that before, or a copy of it? A. Yes, I have.

Q. When did you see it first?

A. Well, when they gave us the notice of the hearing.

Q. How did you receive the document, in the mail or from some person?

A. It was from some person outside of the gate, or inside the gate at the time, who handed it to me. I am not sure if it was Andy Bereznak or who, but someone from the Board of Directors.

Q. Of the Cannon Employees' Association?

A. Of the Cannon Employees' Association.

Q. Did you receive it about the time, within a

(Testimony of Vivian Mary Sullivan.)

few days, after you had published and circulated this document which is Board's Exhibit 45?

A. Yes, I did.

Q. As a result of your receipt of Board's Exhibit 46—by the way, the other people named in Board's Exhibit 45 also received a copy of Board's Exhibit 46; is that right?

Mr. Cannon: If she knows.

Q. (By Mr. Ryan): Do you know? [663]

The Witness: What?

Mr. Cannon: Do you know?

Trial Examiner Batten: If you know, did the other people named there get a copy of this notice of hearing, and so forth?

The Witness: Well, if I am not mistaken, I think Monna Nye did with me. I wasn't with them at the time. I was coming to work at the time.

Q. (By Mr. Ryan): I see. I now show you Board's Exhibit 47, for identification, Miss Sullivan, and ask if you ever saw that before?

A. Yes.

Q. It is purportedly a letter to the Board of Directors of Cannon Employees' Association, 215 West Avenue 33, Los Angeles, California, dated June 8, 1943, from Louis Turnie, Vivian Sullivan, Joan Lawrence, Donald McClellan, Erma Evenstad, Monna Nye, and William Youngberg, and ask if that was published by yourself and these other persons named in the document? A. Yes.

Q. And circulated among the employees of the company? A. Yes.

(Testimony of Vivian Mary Sullivan.)

Q. Did you distribute that at the gate?

A. At the gate, outside of the gate.

Q. Did you notify the Board of Directors of the Cannon [664] Employees' Association of the contents of the document?

A. Well, we did tell them that we would not appear.

Q. You told them that you would not appear for the hearing that was set forth in Board's Exhibit 46; is that right? A. Yes.

Q. You did not appear then for the scheduled hearing? A. No; it was called at 4:30.

Q. In the afternoon?

A. In the afternoon, and we were supposed to be working.

Q. All of you people were supposed to be working that were being called as defendants?

A. I don't know about two of them, but the rest of us.

Q. But those of you wouldn't answer because it would mean your leaving your jobs?

A. We didn't want to leave our machines during wartime.

Q. Thereafter, after you had circulated Board's Exhibit 47, Miss Sullivan, did you continue to work for the company?

A. We worked until June 12th, when they fired the girls.

Q. Will you tell us what happened on June 12th?

A. It was my day off. We rotated days off in the machine shop; the girls, Monna and Erma, and then

(Testimony of Vivian Mary Sullivan.)

went to work. Their cards were not there and neither was mine, and they called me up.

Q. Who called you up?

A. The girls, Monna and Erma. They said my card wasn't [665] there.

Q. Monna Nye and Erma Evenstad?

A. Yes.

Mr. Cannon: I object to that as being hearsay.

Trial Examiner Batten: You may tell us.

Q. (By Mr. Ryan): Go ahead.

A. They said my card wasn't there and they were fired. And that I probably was fired, also. I went back to work a few days later.

Trial Examiner Batten: You say a few. Was it the next day or several days later?

The Witness: I knew as long as my card was out——

Trial Examiner Batten: That wasn't my question. Was it the next day or several days?

The Witness: About two days.

Trial Examiner Batten: Two or three days later?

The Witness: We didn't work Sunday and I didn't go Monday. I went Tuesday, I believe, or Wednesday, somewhere around there.

Q. (By Mr. Ryan): When you went back to the plant after this conversation with Monna Nye and Erma Evenstad, whom did you see at the plant?

A. I went in to see if my card was there, but it wasn't.

Q. At the time clock, you mean?

(Testimony of Vivian Mary Sullivan.)

A. At the time clock. So I went into Hawkinson's office. [666]

Q. Superintendent Hawkinson?

A. Superintendent Hawkinson.

Q. When you got into his office, who was there?

A. Harold Jorgensen was there, his secretary, and me.

Mr. Cannon: Pardon me. You say Jorgensen was there, and who else?

The Witness: Hawkinson.

Q. (By Mr. Ryan): Was Hawkinson present, also? A. He was there, yes.

Q. In the office? A. Yes.

Q. Was anyone else present besides Hawkinson and Jorgensen and yourself?

A. Because I went in before I was due for swing shift.

Q. You got there a little ahead of time that you would normally have gone to work on the swing shift; is that right? A. Yes.

Q. Now, have you identified everybody that was in the office at that time? A. Yes.

Q. There were three of you in there?

A. The three of us.

Q. Was there a conversation had?

A. I told them that the girls told me my time card wasn't there that Saturday. And he said that—— [667]

Q. Who said?

A. Hawkinson, and told me I was fired. And

(Testimony of Vivian Mary Sullivan.)

Howard Jorgensen said he was sorry to see us kids go.

Q. Did you ask him why you were fired?

A. I didn't ask them why. I didn't say anything more. They helped me check in my tool checks, and I left.

Q. Well, wasn't anything said as to the reason you were being let go, Miss Sullivan?

Mr. Cannon: She said not.

Trial Examiner Batten: Was there any further discussion there?

The Witness: Well, they said that all of us who signed the leaflets were being fired.

Trial Examiner Batten: Who said that?

The Witness: Superintendent Hawkinson.

Trial Examiner Batten: Try and recall just what he said to you. When you first went in, for instance,—that is the easiest way to tell us—who talked first?

The Witness: I asked Mr. Hawkinson if I was fired or if I was to go to work that day.

And he said, "No, you are fired."

Trial Examiner Batten: Did he say anything else at that time?

The Witness: Not at that time, no.

Trial Examiner Batten: Who talked next? Did you say [668] anything then?

The Witness: No. He said he would get it straightened up right away, for me to check out. I asked him why. And he said on account of signing this petition that we refused to join—pay dues and join this C.E.A.

(Testimony of Vivian Mary Sullivan.)

Trial Examiner Batten: Was anything else said during the time you were there, by anybody?

The Witness: Howard Jorgensen, the secretary, said he was sorry to see us kids go, we were good workers.

Trial Examiner Batten: Do you recall anything else that was said during the time you were there by you or any of the other people?

The Witness: No. I went to Glen McClung and shook hands with him. He said he was sorry; the foreman. He said we were good workers and they shouldn't have done that.

Trial Examiner Batten: Did you receive your pay that day?

The Witness: I got my check, and later on I got a vacation check, I believe it was, that I was entitled to. But they didn't want us to take vacations, they asked us to work instead of taking a vacation.

Trial Examiner Batten: You mean the company mailed you a vacation check; is that right?

The Witness: Later on, yes. I received my check for the week, two weeks. [669]

Mr. Ryan: Have you completed your questions?

Trial Examiner Batten: Yes.

Q. (By Mr. Ryan): Have you worked for the company since that time?

A. Since I was fired? No.

* * * *

Cross-Examination

* * * *

Q. Well, now, this open letter you speak about to workers of Cannon, C.E.A., which is dated

(Testimony of Vivian Mary Sullivan.)

5-26-43, who prepared that, [681] if you know?

A. We prepared it in the office on Pasadena Avenue before work.

Q. You say you did? A. We.

Q. What did you have to do with it, if anything? It is Board's Exhibit 45.

A. We all had something to do with it.

Q. What did you have to do with it?

A. At that time I was on the Board of Directors.

Q. What did you have to do with the preparation of this document, Board's Exhibit 45?

A. Let me read it. All of us on this who signed this letter agreed that we would not join the C.E.A., and we all talked it over.

Q. You talked it over, and then did you dictate that letter yourself (indicating)?

A. We drew it up ourselves. [682]

* * * *

Q. (By Trial Examiner Batten): The question to you is: Did you know that the second contract which the C.E.A. had had a closed shop clause in it? Didn't it? A. Well, yes, after they——

Q. You knew that; didn't you?

A. Yes, I knew that.

Q. You also knew, didn't you, under that contract you were [687] supposed to belong to the C.E.A. and pay dues? Didn't you?

A. But we didn't get to vote for it, or anything.

Q. Whether you did or not, you knew it was a closed shop; didn't you? A. Yes.

Q. You knew it was a closed shop contract?

(Testimony of Vivian Mary Sullivan.)

A. Oh, yes.

Q. And you know that under a closed shop contract you have to pay dues, you have to be a member of the organization that has the closed shop? You know that; don't you?

A. Yes.

Q. (By Mr. Cannon): And you knew that was the reason you were discharged, is because you hadn't, and refused to pay dues or join the C.E.A., isn't that correct?

A. No. They fired us because we signed that.

Q. Who did? A. Who?

Q. Who fired you? A. Cannon's.

Q. Whoever told you in Cannon's you were fired for that reason?

A. Who did?

Q. Yes. A. Hawkinson. [688]

Q. What did he tell you?

A. He said I was fired—we were fired for—well, what was in the leaflet.

Q. Tell me what he said.

A. For refusing to join the C.E.A.

Q. Hawkinson told you you were fired for refusing to join the C.E.A.; isn't that true?

A. Yes.

Q. And refusing to pay dues in the C.E.A.?

A. No, he didn't say that.

Q. Before, in your direct examination, you mentioned the fact Mr. Hawkinson did say it was because you hadn't paid dues. I will say that to you seriously. That is what you testified in the first instance. Did he say anything about paying dues?

Trial Examiner Batten: Well, irrespective of

(Testimony of Vivian Mary Sullivan.)

what you said before, if you said that, you tell us what he did say to you about that matter?

The Witness: He told me when I went back to work, to see if I was fired or was still working, that all of us who signed that leaflet were going to be fired.

Q. (By Mr. Cannon): Were going to be fired?

A. Yes. There was Louis Turnie, he wasn't fired at the time. I don't know about a couple of them.

Q. What else did he tell you? [689]

A. He told us that we were to be fired, that he was sorry.

Q. Did he say why you were going to be fired?

A. For the leaflet.

Q. And for not joining the C.E.A.?

A. For the leaflet and not joining the C.E.A., but he didn't say anything about dues. [690]

* * * *

MONNA MONNETTE NYE,

recalled as a witness by and on behalf of the National Labor Relations Board, having been previously duly sworn, was examined and testified further as follows:

Direct Examination

Q. (By Mr. Ryan): Miss Nye, I show you Board's Exhibit 45, and ask you if the name Monna Nye appearing at the bottom of this document refers to you? A. Yes, it does. [692]

Q. Were you part of the group that put out that document? A. Yes, I was.

Q. Where was it distributed, can you tell me?

A. Well, we passed the leaflets out in front of the

(Testimony of Monna Monnette Nye.)

employees' entrance at Cannon's.

Q. At the gate? A. At the gate, yes.

Q. When you say "we did", whom do you refer to by the term "we"?

A. There was Erma, Vivian, and myself.

Q. Erma Evenstad?

A. Erma Evenstad, Vivian Sullivan, and myself.

Q. I notice the date of the document is May 26, 1943. Is that about the time when you circulated them? A. Yes.

Q. I show you Board's Exhibit 46 and ask you if you were served with that document?

A. Yes. As I went out the gate they handed it to me, Andy Bereznak.

Q. Andy Bereznak did? A. Or the guard.

Q. Either the guard or Bereznak?

A. Yes.

Q. Anyway, you received a copy of this document, did you? A. Yes. [693]

Q. And you got a copy of that shortly after you had distributed Board's Exhibit 45; is that right?

A. Yes.

Q. Then I notice in the document, Board's Exhibit 46, the date for your hearing is being set for you and these other people that signed the document which is Board's Exhibit 45. Did you appear for that hearing? A. No, we didn't.

Q. I show you Board's Exhibit 47, and ask you if you and the other persons whose names are type-written thereon put that document out?

A. Yes, we put this out.

(Testimony of Monna Monnette Nye.)

Q. The people whose names are typewritten on there at the bottom? A. Yes.

Q. Did you circulate that among the employees?

A. At the gate.

Q. The Cannon gate? A. Yes.

Q. Now, the date on that document is June 8, 1943? A. Yes.

Q. And I ask you if on June 12th you reported for work as usual? A. Yes.

Q. June 12, 1943? [694] A. Yes.

Q. Would you tell us what happened as you came to the plant that day to go to work?

A. I walked in the gate and then I went into the cafeteria. I didn't come in right away, I had some time. I met Joan Lawrence there and she told me her time card wasn't there. Erma Evenstad and I went out and our time cards were gone.

Q. Where did you and Erma Evenstad go, to the time clock? A. Yes.

Q. Joan Lawrence, is that the person whose name is also attached to these documents you have just looked at, Board's Exhibits 45, 46, and 47?

A. Yes.

Q. Go ahead.

A. And Erma Evenstad and myself, we went in to Mr. Hawkinson's office, and I asked Mr. Hawkinson—

Q. Was anybody else in there besides you and Erma Evenstad?

A. There was Bill Youngberg.

Q. Is his name also attached to those documents you just looked at? A. Yes.

(Testimony of Monna Monnette Nye.)

Q. All right.

A. And I told Mr. Hawkinson he couldn't fire me. And he said, "Well—."

Q. Wait a minute. Now, Miss Nye, when you first went in [695] there, who was there besides these people you have mentioned. Mr. Hawkinson was in there. Was anybody else in there besides these other people you have mentioned? Have you named everybody that was in the office that you can recall?

A. I don't know whether his secretary was in there or not.

Q. Now, would you tell us what was the first thing said when you got in there, and by whom?

A. The first thing I said when I got in the office is, "My time card isn't in the rack."

He said I had been fired. And I said, "You can't fire me."

He says, "Well," he says, "I have to fire you because the C.E.A. ordered it."

And then I said—I started threatening him. I said, "I will go to the Board." I threatened him with all sorts of legal actions, and that I would take—and Erma grabbed my arm and pulled me out.

Q. Just what did you say? You say you threatened him. Tell us what you said, Miss Nye?

A. I said I would take it to the Labor Board and really would show him what was what.

Q. Did Mr. Hawkinson say anything further?

A. He had a little book and he had it open. I didn't read it. I just pushed it away, and wouldn't read it.

(Testimony of Monna Monnette Nye.)

Q. Did you recognize the book? [696]

A. Well, it was a little book, you know, like they pass out.

Trial Examiner Batten: The question is: Did you recognize it? What was it?

The Witness: It was a contract, or something like that, with the company, with Cannon's.

Q. (By Mr. Ryan): Well, did he read from it?

A. He extended it and he held it out, but I wouldn't look at it. I just pushed it away. I didn't want anything to do with it.

Q. Did you then leave the office?

A. Then Erma escorted me out.

Q. Where did you and Erma go after you left the office?

A. We had to turn in our tool checks.

Q. What are tool checks?

A. You know, our tool box.

Q. Tool checks, are they numbers you have for your tools?

A. Yes. We go to the tool crib and check things out with them. And we were going over and saying goodbye to several of the fellows in the machine shop and Mr. Hawkinson and one of the guards, they seemed rather in a hurry for us to get out of the shop. They didn't want us to talk to anyone. That is the impression I gathered.

Mr. Cannon: I move to strike that.

Trial Examiner Batten: It may be stricken, the impression. [697] Tell us what was done and what was said.

Q. (By Mr. Ryan): While you were over talking

(Testimony of Monna Monnette Nye.)

to the other employees, did Mr. Hawkinson come over there?

A. Mr. Hawkinson came up and told us we better be leaving. And Mr. Hawkinson and the guard walked with us out to the gate.

Q. The exit? A. The exit from the shop.

Q. Was there anybody besides you and Erma Evenstad there when you were escorted out?

A. Bill Youngberg was still in there when I left.

Q. He stayed behind in Hawkinson's office?

A. Yes.

Q. Have you ever been employed since then by Cannon's? A. No.

Mr. Ryan: That is all.

Cross-Examination

Q. (By Mr. Cannon): What other threats did you make at the time you were let out?

A. I told them I was going to go to the Labor Board and show them what was what.

Q. You would show them what was what?

A. Yes.

Q. What else was said?

A. He said he had to fire me because the C.E.A. had ordered [698] it.

* * * *

[699]

CLARENCE WILLIAM YOUNGBERG, Jr.,
called as a witness by and on behalf of the National
Labor Relations Board, being first duly sworn, testi-
fied as follows:

Direct Examination

Q. (By Mr. Ryan): State your full name, please,
Mr. [703] Youngberg.

A. Clarence William Youngberg, Jr.

Trial Examiner Batten: Mr. Ryan, not to inter-
rupt, but is it the position of the Board that all these
people listed in paragraph 14 were discharged under
similar circumstances?

Mr. Ryan: Yes.

Mr. Cannon: I will stipulate to that.

Trial Examiner Batten: Not discharged, but
were terminated by service of this notice and so
forth.

Mr. Ryan: That is right.

Trial Examiner Batten: I was going to suggest
then, is it necessary to go into the details of that
with each one of these witnesses?

Mr. Ryan: Not at this time, no.

Trial Examiner Batten: In other words, if there
are any conversations or any matters, other than this
incident of their termination, I think it is all right
to go into it. But I am sure, with the names of all
these people on the notice of hearing and so forth, it
can be agreed they were all notified of this hearing
and that their employment was terminated. I don't
mean was terminated by the company, but termin-
ated under similar circumstances. Is that correct,
Mr. Cannon?

(Testimony of Clarence Wm. Youngberg.)

Mr. Cannon: That is correct.

* * * *

[704]

Q. Were you ever employed by Cannon Manufacturing Corporation? A. Yes.

Q. When did you begin working for that company, approximately?

A. Friday, September 13, 1940.

Q. And in what department did you begin working? A. Die cast.

Q. Did you continue in that department all of the time you were employed?

A. No, sir. I worked in various departments. First it was die cast and then finishing casting, and then maintenance.

Q. At the time you began working for the company, who was your foreman? A. Joe Kales.

Q. About March, 1941, did you have occasion to have a [705] conversation with Ned Mandella?

A. Yes. Ned Mandella was signing people up for a Cannon Employees Recreation Association at the tool crib, which he was an attendant of—he worked in the tool crib. I don't know whether you would consider him an attendant.

Q. He worked there, anyway. Now, on the occasion when you talked to him were you at the tool crib?

A. I was at the tool crib window.

Q. Tell us what the conversation was.

A. He wanted to know if I would give 50 cents a month for Cannon Employees' Recreation Association, to take care of recreation for different things. We was to get discounts on different recreation, by

(Testimony of Clarence Wm. Youngberg.)

getting in a mass, a bunch of us to go collectively. He would get different recreations, horseback riding and so on. And this was to be an association for that.

Mr. Cannon: I see you have a similar recreation card in your hand.

Mr. Ryan: Yes.

Mr. Cannon: It may go in without further identification, showing the dues he paid, and save some time.

Mr. Ryan: Maybe we can stipulate that the card shows punches for the months of February and March, and it would indicate that dues were deducted.

Mr. Cannon: Yes. February and March, 1941?

Mr. Ryan: Yes.

Mr. Cannon: Yes. We will so stipulate.

Q. (By Mr. Ryan): The card, Mr. Youngberg, indicates you paid dues in February. It must be February when you were first approached, 1941, by Mandella; is that right?

A. Well, the dates are hard to remember then.

Q. Whatever the card says it is probably more accurate than your memory now?

A. It probably is, yes.

Trial Examiner Batten: So the record is clear, I think Mr. Cannon said something about dues for those two months being deducted.

Mr. Cannon: I didn't mean deducted. I mean he paid them.

Trial Examiner Batten: Under the Recreation

(Testimony of Clarence Wm. Youngberg.)

Association the employees paid the dues themselves?

Mr. Cannon: That is right.

Trial Examiner Batten: The respondents didn't deduct the dues?

Mr. Cannon: I didn't mean to say deduct.

Trial Examiner Batten: You said deduct.

Mr. Cannon: I am sorry.

Q. (By Mr. Ryan): Now, did you have occasion to see any bulletin board erected in the plant there about the time, within a few weeks after this Association was gotten under [707] way, the formation of it?

A. A bulletin board was erected in front of Ray Cromwell's office, that is, between Ray Cromwell's office and the finishing casting department, which was then right beside Cromwell's office, for the purpose of posting Recreation Association bulletins. It stood up about two or three feet off the ground and it was about two and a half foot square, I believe.

Q. This Cromwell you spoke of was the superintendent, Superintendent Cromwell?

A. The superintendent of the factory then, yes.

Q. Then thereafter did you have occasion to see bulletins of this Association posted on there?

A. There were bulletins on it about the progress of the Association, and they were going to have an election of officers for the Association.

Q. Was an election subsequently held?

A. There was an election held. Herbert Elgin, who was my foreman then, and Ned Mandella were nominated for head of the Association. I don't remember whether it was president or what.

(Testimony of Clarence Wm. Youngberg.)

Q. Was a balloting election held?

A. There was a balloting election held. Who nominated them I don't know.

Q. Did you receive a ballot for that election?

A. I don't remember.

Q. Did you observe that a ballot box was made available for the placement of ballots?

A. Yes, there was a ballot box within the plant.

Q. Where was that ballot box located?

A. I am not exactly familiar with it. I think it was in the hallway there, but I couldn't say for sure.

Q. Now, prior to the first Labor Board election, National Labor Relations Board election, which I believe this record establishes, was on September 9th, 1941, did you observe that the company installed loud speakers at its plant?

A. There were loud speakers placed on the roof of the plant. The C.I.O. had a sound truck out there and the company placed speakers out there to play music.

Mr. Cannon: May I have an objection on the same ground as heretofore stated with respect to the use of these loud speakers at the same time the sound truck was being utilized?

Trial Examiner Batten: You may have a continuing objection to that.

Q. (By Mr. Ryan): Where were these loud speakers placed?

A. On the building, facing toward the street.

Q. On the outside of the building?

A. On top of the building. Whether they were on the outside I don't know.

(Testimony of Clarence Wm. Youngberg.)

Q. The C.I.O. sound truck would come down to the plant [709] occasionally?

A. It would come down there when the shifts came off and on.

Q. When would that be?

A. The regular shifts. It would be there in the morning and afternoon when the day shift went off and the swing shift came on. Whether it was there for the graveyard or not I don't know.

Q. What shift were you working on?

A. I was working on days.

Q. About how long was this before the first election you noticed that these loud speakers were installed?

A. They were installed just shortly before the first election. I don't know that it was before the strike or not.

Q. At such times as the C.I.O. public address system would come down to the plant to broadcast, did you ever have occasion to notice whether the volume over these loud speakers changed in any way?

A. They were exceptionally large speakers. They were larger than we had inside. They were on loud.

Q. Did you notice the volume that came over these loud speakers, that it would be affected one way or the other at the particular time the C.I.O. loud speaker was there?

A. I know we couldn't hear the speaker at all, and we had to move the truck down the street.

Q. The C.I.O. speaker? [710]

A. Yes. About a half a block down the street.

Q. Did you notice that the volume over these

(Testimony of Clarence Wm. Youngberg.)

loud speakers would lessen or increase after the C.I.O. truck left?

A. I couldn't say. I didn't hang around there too long after the C.I.O. truck would leave.

* * * *

[711]

Q. (By Mr. Ryan): What was the first thing that was said after you and Hawkinson came together there?

A. He said he didn't think I would get it. So I saw Henry Hintemeyer and I left Hawkinson and talked to Henry Hintemeyer, the assistant superintendent. He said being as I had asked for my vacation and they didn't give it to me he would do all he could to see I got my vacation check.

Q. Yes. But, Mr. Youngberg, you had been told by your foreman you were fired. Did you say anything to these other men, Hawkinson and Hintemeyer, about trying to find out why? [715]

A. Well, after I turned in my tool checks, then I went to Hawkinson's office to get my checks. And I talked to him the second time.

Q. I see.

A. And I asked him, I told him—I don't remember the exact words. I wanted to know why I was fired. And he showed me a little slip that was about—oh, five inches long and about three inches deep, I believe, that said the agreement between the company and the union. And he said he didn't have anything to do with it, the union had said for him to fire us. It was because of the agreement between the company and the union. I believe he said Section 2, Article I.

(Testimony of Clarence Wm. Youngberg.)

Q. Did he have the contract there at the time, the contract between the C.E.A. and the company?

A. I don't remember whether he did or not. He had some slips there. He had, I would say, a dozen slips. He thumbed through them until he got to my slip. But he didn't give me a copy of it. He just showed it to me and kept the copy.

Q. What did it say on that slip?

A. Something about the agreement between the company and the union. Article II, Section 1 or Article I, Section 2; but it was the agreement.

Mr. Ryan: Does the company have that slip now?

Mr. Cannon: No, we do not. This is an employment [716] termination slip (indicating). Was it a green slip?

Mr. Robert Cannon: Was it one of these (indicating)?

The Witness: I don't remember whether it was one of those or not.

Mr. Cannon: This is one of the confidential files we are required to keep under the Labor Act, as I understand it.

Mr. Ryan: May I see it? Is it your termination slip on this man?

Mr. Cannon: This is the termination form. This is our only record. We will give you a copy of it.

Mr. Ryan: May I look at it?

Mr. Cannon: Yes.

Mr. Ryan: Do you have any objection to my showing it to the witness?

Mr. Cannon: Is this the one you saw (indicating)?

(Testimony of Clarence Wm. Youngberg.)

The Witness: I can't say.

Mr. Robert Cannon: Those come in all different colors.

Mr. Ryan: They would have the same wording on them.

Q. (By Mr. Ryan): Mr. Youngberg, I show you a document—

Mr. Ryan: I wonder if you would have any objection to my having it marked for identification.

Trial Examiner Batten: I don't think you need to mark it, if you ask the witness if he has ever seen it. If he has seen it, there is no use—

Q. (By Mr. Ryan): I show you this document I have just [717] obtained from counsel for the company, and ask you if you have ever seen it or a duplicate document with the same language on it.

A. It looks like the same language. I don't think the one I saw was this big. But it did have Article II, Section 1 on it.

Q. This document has in the space which is entitled "Give detailed reasons for leaving" the following, and I quote, "Discharged as per instructions from C.E.A., according to Article II, Section 1 as per agreement."

Do you recall that language being on the slip you saw?

A. Yes, I do. I believe Hawkinson read it over to me at the time. Whether that was the exact—I was thinking the paper was smaller than that he had on his desk.

Q. I see.

(Testimony of Clarence Wm. Youngberg.)

A. That has been some time ago, two years. I couldn't tell the exact dimensions of the paper.

Q. After you finished your conversation with Hawkinson you then left the plant; did you?

A. He gave me my checks, both for part of my pay and the vacation, and I later came back and got the rest of my pay.

Q. Have you worked for the company since then?

A. No, sir.

Q. By the way, at the time you were in the office talking to Hawkinson and he showed this slip to you that you have [718] mentioned, were others in the office, too?

A. Yes, there were several others. There were several of us laid off at the same time.

Q. Who was in the office at the same time you were? A. Monna Nye and Erma Evenstead.

Q. Anyone else that you recall?

A. I don't recall anybody else.

Mr. Ryan: I have no further questions.

Cross-Examination

Q. (By Mr. Cannon): You understood, did you not, Mr. Youngberg, you were laid off for non-membership in the C.E.A.?

A. Well, they said I was laid off because of the agreement between the company and the union.

Q. I say because of your non-membership in the C.E.A., that that was the reason you, at least, thought at that time you were laid off for; is that right?

A. It was rumored, it came out in the C.E.A. bulletin they were going to lay us off because—

(Testimony of Clarence Wm. Youngberg.)

Trial Examiner Batten: You understood it was a closed shop contract with the company the C.E.A. had? You knew that; didn't you?

The Witness: Yes, sure.

Trial Examiner Batten: And it required that you maintain your membership in that organization? You understood that; did you not? [719]

The Witness: Well, I didn't want to maintain my membership in the C.E.A.

Trial Examiner Batten: My question is: You knew the contract provided that, didn't you, with the C.E.A.?

The Witness: The contract said it, yes.

Trial Examiner Batten: You refused to pay dues and maintain your membership; isn't that true?

The Witness: Yes.

Trial Examiner Batten: And as a result of your refusal—

The Witness: I did more than that. I had other people draw out of the C.E.A. and stop paying dues.

Trial Examiner Batten: As a result your employment was terminated because you were not a member? You understood that; did you not?

The Witness: Well, I didn't know why I was terminated. I was called over to the C.E.A. for a trial and I didn't consider myself a member, so I didn't think I should go over there for trial.

Trial Examiner Batten: You understood you had failed to maintain membership in that organization; didn't you?

The Witness: I failed to pay dues, I guess you

(Testimony of Clarence Wm. Youngberg.)

would say it was failure to pay dues. There was also a lot of other people that didn't pay dues.

Trial Examiner Batten: I am not talking about any other people. You understood that is the reason your employment was [720] terminated?

The Witness: I understood I was discharged because the C.E.A. said to discharge me.

Trial Examiner Batten: That is right. They notified the company you hadn't paid dues and were not a member. Therefore, under the contract the company had to terminate your employment. You understood that?

The Witness: Yes. I didn't know what their reason was. I know that they said that—

Trial Examiner Batten: As a matter of fact, you knew that at the time; didn't you? Didn't you know at the time that was the reason your employment was terminated?

The Witness: Because I didn't pay dues?

Trial Examiner Batten: Yes.

The Witness: No.

Trial Examiner Batten: You didn't?

The Witness: There was a lot of other people that didn't pay dues.

Trial Examiner Batten: I am not talking about other people. Didn't you know, as a result of this hearing you had, and as a result of the bulletin which bears your name, didn't you know that was the reason your employment was terminated?

The Witness: I didn't go to their little trial.

Trial Examiner Batten: You were served with a notice; [721] were you not?

(Testimony of Clarence Wm. Youngberg.)

The Witness: I was served with a notice to appear at the C.E.A.

Trial Examiner Batten: Your name appears on the bulletin you put out?

The Witness: Yes.

Trial Examiner Batten: It states you would not go: didn't it?

The Witness: It appears I said I wouldn't go to the trial. And I also said I wouldn't join the C.E.A.

Trial Examiner Batten: Then you understood that was the reason why your employment was terminated; didn't you?

The Witness: Well, they laid me off. There was a lot of other people—they didn't lay everybody off that didn't pay dues.

* * * *

Redirect Examination

Q. (By Mr. Ryan): You understood there is a closed shop contract; isn't that right? [722]

A. Yes.

Q. You understood that under the closed shop there was a provision you must maintain membership in the C.E.A.? A. Yes, sir.

Q. You didn't continue to be a member and you didn't continue to pay dues; isn't that right?

A. That is right.

Q. So just reading the closed shop provisions of the contract, as such, you realized what you were doing was contrary to what the provisions of this contract provided for? A. Yes, sir.

Q. Therefore, you realized that if the company and the union desired to enforce that, if both agreed

(Testimony of Clarence Wm. Youngberg.)

to enforce that provision that would leave you liable to discharge; is that right? A. Yes, sir.

Q. And when you were discharged you were told, in effect, that was why you were being discharged?

A. There was an agreement between the company and the union.

Mr. Ryan: I have no further questions.

Mr. Cannon: That was why you were being discharged? You were told that, too; weren't you?

The Witness: They told me the reason I was being discharged was the agreement between the company and the union.

* * * *

[723]

Mr. Ryan: Mr. Examiner, in view of our understanding now that it won't be necessary to call any more of this particular group as witnesses that are involved here together under this June 12th matter, I won't call any more of those witnesses.

Trial Examiner Batten: I don't see any need for it.

Mr. Ryan: No.

Trial Examiner Batten: Because I think Mr. Cannon is perfectly agreeable to this: That those people named in the notice of hearing, those people who sent out the bulletin, their employment was terminated under the same circumstances and they were terminated because, under the closed shop contract, they refused to pay dues and remain members of the C.E.A. And the C.E.A., therefore, expelled them, or whatever procedure they went through. And they notified the company they were not paying

dues, and in accordance with that the company terminated their employment. Is that correct?

Mr. Cannon: Yes. Those named in there as discharges on that date. [724]

Trial Examiner Batten: Yes; paragraph 14.

Mr. Ryan: Those employees lumped together.

Trial Examiner Batten: I see no need of having them all come up here and testify about the same thing.

* * * *

[725]

CLARENCE JOSEPH ARMANT,

recalled as a witness by and on behalf of the National Labor Relations Board, having been previously duly sworn, was examined and testified further as follows:

Direct Examination

Q. (By Mr. Ryan): State your name for the reporter. A. Clarence Armant.

Q. You are the same witness that testified previously in this trial by that name, is that right?

A. Yes, I am.

Mr. Ryan: Mr. Reporter, will you please mark this document as Board's Exhibit next in order, for identification.

(Thereupon, the document referred to was marked Board's Exhibit No. 48, for identification.)

Mr. Ryan: This is Board's Exhibit 48, for identification, purporting to be a transcript of a radio broadcast, "Subject: Cannon Employees' Associa-

(Testimony of Clarence Joseph Armant.)

tion charged with unfair labor practices. Date August 27, 1942. Station KPAS. Time 5:45 p.m."

Do you wish to see it, Mr. Cannon?

Mr. Cannon: No.

Q. (By Mr. Ryan): Mr. Armant, I show you this document, [730] Board's Exhibit 48, for identification, and ask you to look at it and tell us whether or not that is a transcript of a radio broadcast in which you participated (handing document to witness)?

Mr. Cannon: You don't want him to read the whole thing, do you, necessarily?

The Witness: Well, I will look at it until I get some of it down to see if this is exactly the speech I made. From the part of it that I have read, it is the speech that I made over the radio.

Q. (By Mr. Ryan): It is part of the dialogue between you and another person, isn't that right?

A. Yes.

Q. I don't mean it is part of it, but it is the dialogue between you and another person broadcasting from Station KPAS, is that right?

A. That's right.

Q. Is that what you were referring to when you were referring to your speech in your testimony before? A. Yes, it was.

Q. The date appearing on the photo is August 27, 1942, at 5:45 p.m., and that is the date, is it, upon which you gave the talk?

A. Well, I couldn't say exactly.

Q. Well, if it says that on the folder, you won't quarrel with the date there, will you? [731]

(Testimony of Clarence Joseph Armant.)

A. No, I won't.

Q. This Tom Van Dyke was the announcer, was he, on "Our Daily Bread Program"?

A. He was.

Q. And that is a program sponsored by the C.I.O., is that right? A. Yes, it is.

Q. Mr. Armant, in this talk you refer to your termination of employment at Cannon's for the first time, is that right? A. Yes.

Q. On Page 2, Mr. Armant, I direct your attention to the third paragraph from the top of the page:

"Armant: It certainly wasn't because I don't do my work, because on the day I was fired the superintendent of Cannon Electric Company, Rollie Thompson, told me that I was a good worker, rated very highly with the firm, but that he had no alternative but to let me go because the company union was demanding it because I was not in good standing."

Mr. Armant, on the day that you were terminated that you refer to, did you have a conversation with this Rollie Thompson as referred to in this transcript?

Mr. Cannon: I submit he has already testified to that.

Trial Examiner Batten: I don't know whether he has or not. Do you recall having a conversation with him on that [732] day?

The Witness: Well, I recall having a conversation with him, yes, but I don't recall exactly what it was. If it is in the speech here, I did have that conversation with him.

(Testimony of Clarence Joseph Armant.)

Mr. Cannon: I move to strike that out as being argumentative.

Trial Examiner Batten: In other words, you don't recall now independent of this radio talk, whether you had a conversation with him or not, is that right?

The Witness: At this time, no, I don't, but at the time the radio speech was made, everything in it that was in there was exactly what happened.

* * * *

[733]

Mr. Ryan: I offer Board's Exhibit 48, for identification, in evidence as Board's Exhibit 48.

Mr. Cannon: May I see that?

Mr. Ryan: Yes (handing document to Mr. Cannon).

Mr. Cannon: I object on the ground it is hearsay.

Trial Examiner Batten: Is this the talk over the radio that you testified about that you were questioned about in the hearing that you had?

The Witness: Yes.

Trial Examiner Batten: It will be received in connection with this witness' testimony.

(Thereupon, the document heretofore marked Board's Exhibit No. 48, for identification, was received in evidence.)

* * * *

[734]

RACHEL McBURNIE,

a witness called by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows: [735]

Direct Examination

Q. (By Mr. Ryan): Will you state your full name, please? A. Mrs. Rachel McBurnie.

Q. What is your address?

A. 6403 North Figueroa Street.

Q. That is in Los Angeles, California?

A. Los Angeles, California.

Q. Were you ever employed by Cannon Manufacturing Corporation?

A. I was, at 3209 Humboldt Street.

Q. Mrs. McBurnie, when did you begin working for that company, approximately?

A. I believe the exact date is June 6, 1942.

Q. And what was your first job?

A. Matron.

Q. Matron? A. Yes, on the swing shift.

Q. What were your duties as a matron on the swing shift?

A. Well, I had charge of a locker room. We took care of the girls, small services for them.

Q. Such as what?

A. Oh, sewed on buttons and did little—well, changed money for them if they wanted it changed. We were in the locker room at all times.

Q. Was that a room where the girls changed their clothes?

A. Yes, the girls changed their clothes there and kept their [736] things in there.

(Testimony of Rachel McBurnie.)

Q. Their personal effects?

A. Yes. They had lockers. We had charge of the locker keys, and we saw that they got lockers, and checked out of them when they were finished.

Q. Did you continue on that job always while you were in the employ of the company?

A. No, I did not. They had a change of policy at the plant and they decided that they had too many matrons, and the superintendent at that particular time helped me get a job as department clerk in Department No. 2.

Q. About how long was that after you first went to work?

A. Well, I would say that I went to work in Department 2 about October of 1942. I might be wrong on that. I don't think I was matron very long, though. I think I went in Department 2 right in the latter part of the same year.

Q. Who was your foreman while you were there?

A. Dallas Hough was the first foreman.

Q. Was he your foreman while you were in Department No. 2?

A. He was foreman until—I have my dates mixed there. I went to work in Department 2 about May, and Dallas was transferred to some other plant in October, and that is the way it was.

Q. Who was your foreman after that?

A. Frank Enna. [737]

Q. Was he your foreman all the time that you worked there?

A. Until after this trial and difficulties I had at the plant, and I asked to be transferred out of the

(Testimony of Rachel McBurnie.)

Association and was given a job in inventory control.

Q. When were you transferred out of Department 2, about? Just give us an approximate date.

A. The 23rd day of October of 1944.

Mr. Cannon: Transferred out of what?

Mr. Ryan: Department 2.

Q. (By Mr. Ryan): When you were transferred out of Department 2, what job did you have thereafter?

A. I went up to inventory control, the bookkeeping department, and took care of the records in the stock room, checked on incoming orders and orders that were going out.

Q. How long did you work in that department, Mrs. McBurnie?

A. Until approximately February of this year.

Q. Of this year? A. Yes.

Q. Then did you leave the employ of the company in February of this year?

A. I didn't leave until April. I had two weeks vacation coming and I took a leave besides.

Q. But you terminated your employment officially about April of this year?

A. April of this year. [738]

Q. Mrs. McBurnie, when you made your application for employment with the company on the first occasion, will you tell us the procedure you went through in the personnel office to get your job?

A. Well, I went into the personnel office, and I believe I was introduced to Mr. Drouet. Mr. Drouet would be my immediate superior, LaGuerre Drouet. I was introduced to Mr. Drouet, and he at that time

(Testimony of Rachel McBurnie.)

would be my immediate supervisor in charge of the maintenance department where I would work as a matron. I filled out the application blank and all that sort of thing, and I was sent over to see Mr.—well, the man in charge of the C.E.A. at that particular time.

Q. Ned Mandella?

A. Ned Mandella, yes. I was over to see him.

Q. Who sent you over to see him?

A. The personnel office sent me over to see him.

Q. Do you know who it was in the personnel office that sent you over there?

A. I didn't know his name at that particular time, no.

Q. Was it the personnel man that hired you?

A. The man that took my application and all that sort of thing.

Q. What did he say in connection with sending you over there?

A. He said that it was the policy, for everybody to go over and see Mr. Mandella at the Association, because that was a part [739] of the policy of working there at Cannon's, that you belonged to the Cannon Association.

Q. Did you then go over to the C.E.A. office?

A. Yes, and Mr. Mandella explained it.

Q. Did anyone go over with you?

A. Yes, there was another employee that went in about the same time I did. His name was Frank Martinez. We went in the same day. But to tell the truth, that is not absolutely clear. I have thought

(Testimony of Rachel McBurnie.)

since that Mr. Drouet—well, I wouldn't swear to that, either.

Q. You went to the office of the C.E.A., and did you have a conversation there with Mr. Mandella?

A. Yes, Mr. Mandella explained policies of the Association.

Q. Tell us what he said in substance, if you can?

A. Well, he told us that it was a company association. He said that everybody that worked at Cannon's belonged to it, that they didn't have any outside unions, and he said they all got along very nicely together, and that the dues would be \$1.00 a month, and that would be taken out of our pay check by the company each month, that was subtracted, and we didn't pay it out of our own pockets.

Q. Did you then sign up with the C.E.A. at that time?

A. I don't know whether any papers were ever signed on a thing like that or not. I don't remember signing a paper. I had a lot of papers that day that were given me for different [740] things, but I don't remember signing that paper. He talked to us for about 20 minutes, and that was all.

Q. After you left his office, what did you do?

A. I went over and I was on the swing shift that night, so I had to go to work at four o'clock, and I went over from the C.E.A. office to the plant.

Q. By the way, at the time Mandella talked to you, that is the conversation you have just related to us, was there anyone there with Mandella besides you and possibly this Martinez that went over with you?

(Testimony of Rachel McBurnie.)

A. No, I believe, as I remember it, Mandella was sitting at a desk by himself.

Q. After you left the office, where did you say you went?

A. I went back over to the plant. I was on the swing shift and had to report at four o'clock that night.

Q. So you reported for work? A. Yes.

Q. Thereafter, were you ever elected to the position of shop steward in the C.E.A.?

A. Not until I went into Department 2.

Q. In Department 2? A. Yes.

Q. By the way, on this first job when you were matron, to your knowledge, was the contract of the Association and the company covering matrons at that time? [741]

A. I believe we paid dues for a short time, and then they changed it and we didn't have to pay. I think they exempted guards and matrons and people like that.

Q. You became a shop steward about when?

A. Some time after May when I went to work over in Department 2, some time after that particular day.

Q. In 1943? A. 1943.

Q. How did you become a matron? What was done about that? What were the mechanics by which you became a matron? Were you elected or chosen or just how was that done?

A. I was hired for the job of matron. Did you mean shop steward?

Q. I mean shop steward.

(Testimony of Rachel McBurnie.)

A. The stewards on the shift asked me if I would be a shop steward of that particular department.

Q. The shop stewards in the other department?

A. The girls in the department.

Q. On that shift?

A. Yes. There was a vacancy and they asked me if I would be a shop steward in that particular department.

Q. In your department? A. Yes.

Q. Can you relate the circumstances—

A. Wait a minute. This is not shop steward. This is chief [742] steward.

Q. Well, let's get to the point, first; when you first got to be a shop steward?

A. I was not a shop steward.

Q. You were not?

A. It was a swing shift chief shop steward over the other shop stewards, and they elected me to be chief steward on the swing.

Q. You never were a shop steward?

A. No.

Q. But you were the chief shop steward?

A. Yes.

Q. Will you relate the circumstances of them coming to you and telling you they wanted you to be the chief shop steward?

A. I told them I did not know anything about the job.

Q. When did they come to you, approximately, to the best of your memory?

A. Really, I have no date on it. It was in the fall of 1943.

(Testimony of Rachel McBurnie.)

Q. Will you tell us where you were approached on that proposition?

A. I was department clerk in Department 2, and a girl, who was the shop steward in Department 2, by the name of Pat Ledford, Pat had asked me if I would consider being a steward, and I said I didn't know anything about it, and then another girl in the department by the name of Vera Bertram asked me [743] if I would also consider being shop steward, and they went around to the other shop stewards and got enough of them lined up so that they said they would be very well satisfied if I was the chief steward.

Q. What I am trying to get at is the particular place you were at the time?

A. I was department clerk in Department 2 at that time.

Q. At the time you had the conversation, yes, but during the day on which they came to you, were you at your machine working?

A. Yes, it was on my shift at my desk and place, but we all went out in the cafeteria. Mr. Richard Franklin and Pat Ledford, and Vera Bertram and one or two others were in the group, and at that time Mr. Franklin was friendly, and when I told him I didn't know a thing about this particular thing, he said, "Well, you don't have to know too much about it. We will all help you to hold it down." He said, "Everybody likes you and we will help you take care of it."

Q. Mrs. McBurnie, was Richard Franklin at that

(Testimony of Rachel McBurnie.)

time business agent of the Cannon Employees' Association? A. Yes.

Q. You say you walked into the cafeteria?

A. Yes.

Q. Was that during working hours?

A. Yes, during working hours. [744]

Q. When you got into the cafeteria, did you have a meeting there, you and these other people?

A. Did I?

Q. Yes.

A. We were there about a half an hour.

Q. And the people there at that meeting, outside of Mr. Franklin, who was business agent, were shop stewards?

A. Shop stewards in different departments.

Q. Of the Cannon Employees' Association for different departments in the plant? A. Yes.

Q. Was an election held there then on the question of your becoming chief shop steward?

A. Yes, they raised their hands.

Q. There was a vote by the raising of hands?

A. Yes.

Q. You were in there about a half hour?

A. Just about.

Q. And then you were designated by a majority of those present to be chief shop steward?

A. On that particular shift.

Q. And after the meeting was over, did you return to your job? A. Yes.

Q. Did you lose any pay for the time you spent in the cafeteria? [745] A. No.

Q. As chief stop steward, can you tell us approxi-

(Testimony of Rachel McBurnie.)

mately how many steward meetings were held a month?

A. That is a part of it that Mr. Franklin laughed at me afterwards about. He said I would make as bad a Board of Director member as I did a shop steward, because I didn't have any meetings during that time.

Q. About how long were you chief steward?

A. I imagine about three months.

Q. And to your knowledge, there were no meetings of shop stewards during that time?

A. Not that I know of, because at the time I was elected, I told them I didn't know the procedure, and they told me they would notify me—Mr. Franklin had said he would notify me when things were going on, and I let it go. I really was a very bad shop steward.

Mr. Cannon: What was the last of that?

(The record was read.)

Q. (By Mr. Ryan): You mean you didn't hold any office? A. No.

Q. Or hold any meetings? A. No.

Q. About May, 1944, Mrs. McBurnie, did you run for membership on the Board of Directors of the Cannon Employees' Association? [746]

A. Yes. About 30 days before that, they had asked me to run and I said no; and they got Vera Bertram again, and she was the one who started it.

Q. Who was she?

A. She was a shop steward in a department.

Q. In your department?

A. She asked me if I would run for a Board of Director member, and I said no, because I hadn't made a success of this chief steward business, and she said, "Go ahead, I have a list of about 99 names that want you to run."

I said, "Well, it doesn't make any difference about that, because I don't know enough," so I turned it down, and then they got another petition up and got the names and came and asked me if I would run after that, and I said, "All right, I will."

Q. And then there was an election and you were elected, were you? A. Yes.

Q. Where was that election held?

A. In the cafeteria at Cannon's.

Q. That would be about May, 1944, is that right?

A. Yes, that is about right, May, 1944.

Q. Now, within a few days after your election to membership on the Board of Directors, did you have a conversation with Johnny Gibson? [747]

A. I was elected pretty close to the 24th of May—it was some date in there—and I was to be sworn in the following Saturday afternoon. This was during the week when I was elected. The following Saturday afternoon I was to be sworn in at three o'clock at a meeting in the cafeteria, and Friday night, about 4:30, the only time I saw Johnny after that was—

Q. Who is that? A. Johnny.

Q. Johnny Gibson?

A. Yes; Johnny Gibson, he came at the guard desk when I was coming in—

Q. Coming in to the plant? A. Yes.

Q. To go to work?

(Testimony of Rachel McBurnie.)

A. Yes, coming in to go to work, and he said, "Rachel, Bob Cannon wants to see you up in his office." I didn't know Mr. Cannon, and after all, he was Mr. Cannon, and I said, "Of course, I will go up with you, but it is around 3:30"—we could always ring in after 3:30, any time after 3:30, whenever we came in around that time, but our time didn't start around four o'clock.

Q. Your shift began at four o'clock in the afternoon?

A. The shift began at four o'clock in the afternoon; that's right. I said, "Wait until I ring my time card and I will go [748] up with you." This was Friday night, and I was not to be sworn in until Saturday afternoon.

Q. By the way, Johnny Gibson, at that time was he president of the Cannon Employees' Association?

A. Yes.

Q. Go ahead.

A. So when we got upstairs, he introduced me to Mr. Cannon, and he was very nice to me, Mr. Cannon was.

Q. That is Mr. Robert Cannon?

A. Mr. Robert Cannon.

Q. You were up at his office at that time?

A. Up in his office upstairs.

Q. Just relate the conversation, now, between Mr. Cannon, yourself, and Mr. Gibson.

A. Well, Mr. Franklin introduced me—

Mr. Cannon: Franklin, or Gibson?

The Witness: I mean Mr. Gibson, that's right. Mr. Gibson introduced me to Mr. Cannon, to Bob

(Testimony of Rachel McBurnie.)

Cannon, and Mr. Cannon asked me how I happened to be elected on the Board of Directors, and I said, "Well, the girls wanted a woman on the Board. I knew them all, knew the employees quite well, and they had elected me by 382 votes, and I was very proud of the honor." So Mr. Gibson said, "Are you sure you weren't elected to the Board of Directors to oust Richard Franklin?" [749]

Q. (By Mr. Ryan): To oust Richard Franklin, is that what he said? A. Yes.

Q. Richard Franklin, I believe you have already stated, was the business agent?

A. Franklin was the business agent, yes. I said, "Not to my knowledge, no." I said that there were a lot of things about this Board of Directors that I did not know.

Q. Did you say that?

A. Yes, I did. I said I didn't know anything about ousting Mr. Franklin at that particular time.

Q. Will you relate the rest of the conversation, if there was any, as best you can recall it?

A. Mr. Cannon said that the Association and the company had always got along very nice and there had been a lot of good work done, there had been parties and good times, and everybody had pulled together very nicely, and Mr. Franklin had made a good business agent.

I said that I had heard the same thing, and that everything so far as I knew was very—

Mr. Cannon: What is that? Will you repeat the last part of the answer, please?

(The answer was read.)

(Testimony of Rachel McBurnie.)

The Witness: That everything so far as I knew was very all right, very nice, you know. [750]

Q. (By Mr. Ryan): Did Gibson make any further statement?

A. He asked me if I was absolutely positive that I was not elected to oust Mr. Franklin.

Q. Did he repeat that?

A. He repeated that particular conversation, and he said he had heard rumors that there was a move on to oust Mr. Franklin, but I said I had not heard anything about it.

Q. As a matter of fact, Mrs. McBurnie, had that been part of your campaign?

A. Well, to tell the truth, Mr. Ryan, there was no campaign in that particular deal, whether you believe it or whether you don't believe it.

Q. It is not a question of my belief, Mrs. McBurnie.

A. The folks that took up the petition told the crowd that I was running for Board of Directors and they signed the paper. We made no campaign and made no promises.

Q. When you say "we", you mean you and the people backing you for the office of Board of Director?

A. Yes, sir. We promised nobody anything.

Q. The next day, was there a meeting in the cafeteria at which you were present?

A. Yes, sir, at three o'clock in the afternoon.

Q. Who was present at that meeting?

A. The Board of Directors that were then in office.

(Testimony of Rachel McBurnie.)

Q. Who were they? [751]

A. Johnny Gibson, Earl Lawhorn, Lee Lawhon.

Q. Will you spell those names, please?

A. Earl Lawhorn is spelled L-a-w-h-o-r-n, and Lee Lawhon is spelled L-a-w-h-o-n.

Q. In other words, the last names are similar, but they are not identical?

A. That's it, they are not identical.

Q. Lawhon is Lee? A. Yes.

Q. And Lawhorn is Earl? A. Yes.

Q. Who else was there?

A. Johnny Reed and Al Tuttle, and a fellow by the name of Hepple, Jack Hepple.

Q. Johnny Gibson?

A. Yes, and Richard Franklin, and, of course, I was introduced as the new Board of Director member and was sworn in. They accepted me as a member.

Q. What was the first order of business, as you recall it?

A. They had a—oh, there was some talk about baseball suits, and Cal Cannon was in charge of the recreation fund, and he was to put in part and the Board of Directors were to put in part of the money out of the C.E.A. fund, and they agreed on that, to get baseball suits for the girls or for the football team. [752]

Q. Was there any other business taken up?

A. Yes.

Q. What was it?

A. Then Johnny Gibson was president and he

(Testimony of Rachel McBurnie.)

stood up and said that there had been talk about ousting Richard Franklin from the Board of Directors' business agent job, and he wanted to know how we stood on it.

Q. That is, you and the rest of the Board of Directors?
A. Yes, and we voted.

Q. Did you have a vote on the question?

Mr. Cannon: I did not hear that question.

(The question was read.)

Q. (By Mr. Ryan): Go ahead and explain and I will follow your statement.

A. Johnny Reed suggested they have a silent vote. Earl Lawhorn said, "No, let it come right out in the open, let everybody vote openly on what they want to do."

Q. In regard to what matter?

A. Whether or not there was to be an ouster, whether or not we would oust Richard Franklin as business agent.

Q. Was there a method of voting finally determined upon?

A. Yes, sir, everybody voted openly and raised their hands. The vote came to four to oust Richard Franklin, and three to—one was a silent vote, because Jack Hepple didn't vote openly.

Mr. Cannon: Let's see if I have that correct. There were [753] four votes to oust Franklin?

The Witness: Four of us raised our hands to oust Richard Franklin, and three were taken to be not for that, because Jack Hepple didn't vote.

(Testimony of Rachel McBurnie.)

Q. (By Mr. Ryan): What four of you voted to oust him, can you name those?

A. Earl and Lee and Johnny Reed and myself.

Q. Then the vote was taken just among the directors?

A. The vote was just among the directors, yes.

Q. What happened immediately after the vote was taken, if anything?

A. The place grew into an uproar. Mr. Franklin stood up and got very red-faced and got mad and he said if he was going to get out of the C.E.A., he was going to walk out and he was not going to be thrown out.

Mr. Cannon: I am sorry. I didn't hear that answer. Will you read it, please?

(The answer was read.)

Q. (By Mr. Ryan): He said that if he was going to get out of the C.E.A., he would walk out?

A. Yes. He left the meeting during this particular mix-up, and the die cast was coming in——

Q. He left the room, did he, after this vote was taken and after he made the statement?

A. He left the meeting out in the cafeteria at the change of [754] the shift, because the other people were coming in to go on shift, and we were in the back, so he left our particular meeting and came back with the crowd.

Q. Crowd of whom?

A. The majority of them were die casters.

Q. They were the die cast employees?

(Testimony of Rachel McBurnie.)

A. Yes, of the Cannon Association.

Q. You mean of the die casting department?

A. Yes, and the die casters proceeded to ask us our reasons for the decision, and they asked us what was the matter with us, and one man in particular, Vern Jacobs asked us about it and he shook his hand under my nose and invited me out in the alley.

Q. Was there any action taken by the Board of Directors during that meeting?

A. At this particular time we—well, Earl Lawhorn at that particular time said to recall Johnny Gibson, too, as president.

Q. He wanted him to be recalled from the office of president?

A. Office of president.

Q. He made that motion, did he?

A. And Johnny Reed said—Oh, no, there was no chance to make a motion.

Q. There were a lot of people milling around, were there?

A. Yes, they were all around there, and there was no way of [755] doing anything, but Johnny Reed said, "Let's put it up to a vote of the Association." He said, "If the Association is back of this particular vote, why, they will vote with us." He said let it be an open vote.

Q. And was there an agreement then that an election would be held among the members of the association?

A. I believe there was. I had to go in and go to work. I was on the swing shift. That was Saturday afternoon at three o'clock. Sunday, of course, it was

(Testimony of Rachel McBurnie.)

impossible to get anything done. Monday we met and put out one flyleaf stating our side of the case.

Q. Who met, Mrs. McBurnie? When you say "we," whom do you mean?

A. Well, Johnny Reed and Lee Lawhon and myself.

Q. And where did you meet?

A. We met at Florence Maynard's house.

Q. And you put out a bulletin about the matter of ousting Franklin?

A. We just put out our side of the case and why we did what we did. [756]

* * * *

Q. Did this bulletin have to do with the question of this coming election and on the question of ousting Richard Franklin and Johnny Gibson from their positions with the C.E.A., Mrs. McBurnie?

A. Yes.

Q. What did it say in substance, if you remember?

A. I believe at that particular time we just put out the reason why we voted the way we did. It was not anything to do with the coming election.

Mr. Cannon: May it be understood that if we find such bulletin, we can offer it, if either of us want to, without having to call this lady back?

Mr. Ryan: Yes.

Trial Examiner Batten: In other words, you stated your reason for voting to oust Franklin, is that it?

The Witness: Yes, we did, more or less, and as

(Testimony of Rachel McBurnie.)

far as [757] we were concerned, it didn't have anything to do with saying anything about him personally because, after all, that was none of my business.

Trial Examiner Batten: I don't mean it was personal, but you gave your reasons why you thought a change was necessary, is that it?

The Witness: Yes.

Q. (By Mr. Ryan): Mrs. McBurnie, then was an election held within a few days after that?

A. Yes. You see, it was just about a year ago today—you see, Monday, there was a memorial day come along, and the following morning they had the election in the plant. There was no way of getting any votes, and we didn't see the tickets. I did not see the voting tickets.

Q. You mean the ballots?

A. I did not see them at all before they were put out that morning.

Q. Do you know by whom they were prepared?

A. No, and the voting issue, as we understood it all along among ourselves, was to ask for a vote of confidence as to whether we had done right in—

Q. In your voting?

A. In our voting against Richard Franklin, or whether we did wrong. That was the understanding, to have the ballot made up on that idea, but the ballot didn't come out that [758] way.

Mr. Cannon: May I ask a question for the purpose of clarification? These ballots you speak about, it was the understanding between yourself and—

(Testimony of Rachel McBurnie.)

The Witness: Lee and Earl.

Mr. Cannon: ———and Lee and Earl at this meeting at Maynard's house——

The Witness: And Johnny Reed.

Mr. Cannon: Yes, and Johnny Reed, that the ballots you would put out would be on this question as to whether or not you were correct in the action you had taken on Franklin, or whether you were incorrect, is that correct?

The Witness: Yes, because I believe we voted right, and voted legally. I did not think another election would be necessary to vote on the question at all. Our thought then was to ask the association whether they thought we did right or whether we did wrong.

Mr. Cannon: All right, I just wanted to get that clear in my mind.

Trial Examiner Batten: Did you take up with the Board of Directors how the ballot was to be made out?

The Witness: Yes, we did. We agreed on that, but we didn't see the ballot.

Trial Examiner Batten: When did you agree with the Board of Directors on what should be done about it, and what [759] the ballot should say?

The Witness: That Monday before Memorial Day, because the election was to be on Wednesday.

Trial Examiner Batten: You mean on Monday there was a meeting of the Board of Directors?

The Witness: No, Lee and Johnny Reed and myself met.

Trial Examiner Batten: At this lady's house?

(Testimony of Rachel McBurnie.)

The Witness: At Florence Maynard's house.

Trial Examiner Batten: My question to you is, did you then later take the matter up with the full Board of Directors?

The Witness: No, we didn't.

Trial Examiner Batten: As to what should be on the ballot?

The Witness: No, we didn't.

Trial Examiner Batten: Did you notify the officers of the association?

The Witness: The association was never run legally.

Trial Examiner Batten: I didn't ask you that. I asked you whether you took it up with the officers?

The Witness: No. It was our understanding in that particular meeting that we would ask for a vote of confidence of the association, and the ballots would be made up that way.

Trial Examiner Batten: Did you tell anyone that is what you wanted after you met? [760]

The Witness: No, sir, we didn't, but the ballots were made up just the same, regardless.

Trial Examiner Batten: But my point is, how did you expect them to make the ballot up the way you wanted it, if you didn't notify anybody?

The Witness: At that particular time I had nothing to do with it. I was a brand-new member.

Trial Examiner Batten: I understand that, but my point is if you didn't notify the officers how you wanted the ballots made, they couldn't very well be made that way, could they?

(Testimony of Rachel McBurnie.)

The Witness: I agree with you. It couldn't be done that way, but the ballots were made up.

They said are we to retain Mrs. McBurnie, and the rest of us, or Richard Franklin and Johnny Gibson, and we didn't agree to that, either.

Q. (By Mr. Ryan): Mrs. McBurnie, so we will be clear about this, the officers and the Board of Directors constitute, besides the four you mentioned, yourself, Lee Lawhon, Earl Lawhorn, and Johnny Reed, it also constituted Richard Franklin, and this Jack——

A. Richard Franklin was not a member. Gibson and Tuttle and Hepple were the others.

Q. So that you four were a majority of the Board of Directors? [761] A. Yes.

Q. When you say, "We agree among ourselves," did you have reference to the four of you agreeing, the ones that had voted originally?

A. Yes.

Mr. Cannon: Of course, you wouldn't contend, I feel sure, that an informal meeting of that kind would constitute a meeting of the Board of Directors of any corporation, would you?

The Witness: I believe when Johnny Gibson stood up and asked for a vote of confidence at the regular Board of Directors' meeting, it was practically the only time that we asked to get a ruling on it, because at that particular time Johnny Gibson agreed we would have a vote of confidence, and the thing was just carried on then out of our hands.

Q. (By Mr. Ryan): When you say "out of

(Testimony of Rachel McBurnie.)

our hands," Mrs. McBurnie, will you explain what you mean by that?

A. I mean I had nothing more to do with any agreeing to anything else after that.

Trial Examiner Batten: You mean you weren't consulted by the others at all thereafter?

The Witness: No, sir.

Q. (By Mr. Ryan): To your knowledge, was Johnny Reed or Lee Lawhon or——

Mr. Cannon: She wouldn't know, obviously.

The Witness: I wouldn't know.

Trial Examiner Batten: He said to her knowledge, does she know.

The Witness: I really don't know.

Q. (By Mr. Ryan): Was an election held a day or so later?

A. It was held the day after Memorial Day. That was Wednesday morning.

Q. That would be 1944? A. 1944.

Q. Where was that election held?

A. In the cafeteria at the plant.

Q. And approximately how long did the voting take place?

A. I believe they closed the polls at 8:30 that night.

Q. And they began approximately when?

A. 7:30 in the morning, or around 7:00 o'clock or so.

Q. Who were the ones that took care of the ballot box during the voting and who handled the ballots, if anyone?

(Testimony of Rachel McBurnie.)

A. There was one man there in a business suit that I understood was from the election board, not knowing him at the time, but I found out later he was one of the Cannon guards by the name of Sullivan. He had a business suit on. Then a lame man that was on crutches there by the name of Harry—I never did know his last name—he sat there all day.

- Trial Examiner Batten: What did he do in the plant?

The Witness: He works on some machine in one of the [763] departments. He is crippled, though. He has a crutch, or crutches.

Q. (By Mr. Ryan): As a member of the Board of Directors, were you consulted as to who would act during that election?

A. No, sir, I didn't even see the ballot until I went in there, and that is the first I saw that the ballots were made up the way they were.

Q. When you went in to vote? A. Yes.

Q. Do you know where the votes were counted after the balloting, after the hours for voting were closed? A. Yes, I was there.

Q. You were present at the counting?

A. Yes.

Q. Where were the ballots counted?

A. In the cafeteria. I think we got through around ten or a few minutes after ten at night. My foreman allowed me to go out and be present at the counting.

Mr. Cannon: I couldn't hear that answer?

The Witness: I said my foreman allowed me to go out and be present at the counting.

(Testimony of Rachel McBurnie.)

Q. (By Mr. Ryan): In other words, you left your shift for a while to go out and be present?

A. Yes.

Q. How long did the counting take? [764]

A. They closed the ballots about 8:30. I remember that distinctly, because four people dashed madly out at 8:30 and said they hadn't a chance to vote all day and they tried to put four ballots in the ballot box, but Mr. Sullivan stuck them under the ballot box until after the voting.

Q. You saw that, did you?

A. Yes. He did that until they could check with the books to see if these four had voted or not.

Q. Then, Mrs. McBurnie, how long did the vote counting take?

A. We were there talking for a few minutes after ten. It was not very long. We were through in just a few minutes after ten.

Q. An hour and a half?

A. About an hour and a half.

Q. Who counted besides you, or who was present at the counting besides you?

A. Florence Maynard was one and this lame fellow and a fellow by the name of Delmar Love, who was chief steward on the swing shift in my place.

Q. After you had held the place?

A. Yes. He was one of the men there, and then there were some women tallying, that tallied votes. As they pulled the ballot out, they read them out loud and these two people tallied them with marks.

(Testimony of Rachel McBurnie.)

They put down five and then crossed [765] them out as they went along.

Q. Was Johnny Gibson present?

A. I believe he was in there again, but I wouldn't swear to it.

Q. Was Franklin present, Richard Franklin?

A. The same thing applied to Mr. Franklin. We were interested in the counting of the ballots, and we were watching the tallyers.

Q. Then after the counting was over, do you know where the ballots were taken?

A. Yes. Mr. Sullivan and Cal Cannon took them into Cal Cannon's office in the cafeteria. They took the box up and took it in there.

Q. Did anyone accompany them in there?

A. At the time Cal and the guard took them over, I think they went alone. I don't know who went in afterwards.

Mr. Cannon: What was that?

The Witness: At the time Cal took them in the cafeteria office, I think he and the guard were there by themselves. I don't know that anybody else went in.

Q. (By Mr. Ryan): What was Cal Cannon doing there at the time? You say he went in with the ballots to his office. Where was he? Was he present during this counting?

A. He was there when they took the ballots into the office. Yes, he was there. [766]

Q. And was a bulletin issued announcing the result of the election?

(Testimony of Rachel McBurnie.)

A. When we went out—when the swing shift was over and we went out the gate, some flyleaves were—you know, these yellow sheets or white sheets, were out there and they gave the result of the voting.

Q. Who was issuing them?

A. Johnny Gibson and Franklin and a couple of other people were handing them out right at the gate. As we went out the gate, they gave us one.

Q. Were you docked, Mrs. McBurnie, for the time you spent there counting the ballots?

A. No, sir, I never was.

Q. Docked in wages, I mean? A. No.

Trial Examiner Batten: What was the result of the election?

The Witness: Why, the tally came out 380 for us, that is to retain Gibson, and Lawhorn, and Lawhon, and Reed—I beg your pardon, not Gibson, but McBurnie and the others, the four of us.

Q. (By Mr. Ryan): That was Lee Lawhon——

A. And 380——

Q. Just a minute, Mrs. McBurnie. I want to get these four names now. Yourself, Johnny Reed, Lee Lawhon and Earl Lawhorn? [767]

A. Yes, we had 380 votes, and I believe that Franklin and Gibson had 381 at that particular time, but the four that Mr. Sullivan pulled out of the box made it 384 or 385 votes they got, which gave them a majority, but when the bulletin came out it gave it entirely different. It said it was 390, or something like that, for them, and 380 for us.

Q. Mrs. McBurnie, the bulletins that were be-

(Testimony of Rachel McBurnie.)

ing handed out at the end of the shift that night by Gibson and Mr. Franklin, as you have indicated, announced the result as 394, is that what you said?

A. 394 for them and 380 for us. I know it made a difference of ten votes, because it should have been 384 for them and 380 for us, counting the four ballots that Mr. Sullivan took out from under the box.

Mr. Cannon: May I have that answer read?

(The answer was read.)

Q. (By Mr. Ryan): About two weeks after that, Mrs. McBurnie, after that election, did you receive a notice from the C.E.A.?

A. Yes, I did.

Mr. Ryan: Mr. Reporter, will you mark this document as Board's exhibit next in order, for identification, please?

(Thereupon, the document referred to was marked Board's Exhibit No. 49, for identification.)

Mr. Ryan: I have had marked as Board's Exhibit 49, for identification, a document entitled, "Notice to Herbert [768] Caffarel, Florence Maynard, Lee Lawhon, Rachel McBurnie, and Harold Benson, members of Cannon Employees' Association, and to David Sokol, Esq., and Charles E. Taylor, Esq., their attorneys. You and each of you will please take notice"— [769]

* * * *

Q. Mrs. McBurnie, pursuant to this document,

(Testimony of Rachel McBurnie.)

which is Board's Exhibit 49, for identification, was a hearing held thereafter about July 15, 1944?

A. Some time at that time, why, yes, I received this notice and a subpoena to appear as a defendant and to protect myself at the Friday Morning Club on charges signed at this particular time by Mr. Hall. I was to go on trial to find whether I was guilty or not guilty of the acts against the association.

Q. Did you attend a hearing?

A. I certainly did. [770]

Q. Do you recall that as the hearing progressed charges were dropped against all of the defendants named therein except yourself, Herbert Caffarel, and Florence Maynard?

A. At that particular hearing, it lasted for two successive Saturdays, I was found not guilty and Florence Maynard and Herbert Caffarel were found guilty.

Q. They were the only two found guilty?

A. Yes, and the rest of the charges were dropped against the people that were served with these subpoenas, and one of the jurors was a man that had stuck my name up all over the plant.

Q. After that hearing——

Trial Examiner Batten: Just a moment. What is this Friday Morning Club?

The Witness: That is a meeting place.

Trial Examiner Batten: Oh, that is where the meeting was held, is it?

The Witness: Yes, the place of the meeting.

(Testimony of Rachel McBurnie.)

Q. (By Mr. Ryan): You say you were present at this hearing? A. Yes, sir, I was.

Q. And you were present for the C.E.A. in an official capacity as one of the jurors?

A. The Board of Directors in these trials sat as the trial board.

Q. Who were they at that time? [771]

A. Johnny Gibson was one of the defendants and yet I don't know whether his vote counted or not against him.

Q. He is not listed in there as a defendant, Mrs. McBurnie.

A. Well, we had him on trial. He was one of the witnesses.

Q. Just a minute. The document specifies the defendants and Gibson is not one of them.

A. The jury found us—the Board of Directors found us guilty or not guilty and Johnny Gibson is on the Board of Directors, and he went out with the jurors, and yet he was one of the men that were——

Q. He was one of the complainants against you, wasn't he? A. Yes.

Trial Examiner Batten: The question was, Mrs. McBurnie, who acted there as the jury?

The Witness: The Board of Directors at that particular time. Harry Grady was one.

Q. (By Mr. Ryan): Who was that?

A. Harry Grady, he was foreman.

Q. Foreman of the jury?

A. Foreman of the jury, and a fellow by the name of Lou Finley and Don Schloeder.

(Testimony of Rachel McBurnie.)

Q. Maynard O'Brien?

A. Maynard O'Brien is the name I was trying to think of. He is an electrician there. There was one more. I don't remember his name. [772]

Trial Examiner Batten: Were they the Board of Directors at that time?

The Witness: Yes, sir, they were the newly-elected ones. There had been an election since.

Q. (By Mr. Ryan): There had been an election, had there, between the election on the question of ousting Franklin or you from the C.F.A.?

A. Yes.

Q. And that was between the time of that and the time of this hearing? A. Yes.

Q. And how long after this election in the cafeteria about which you have testified, at which the question was whether they should oust you or oust Franklin and Gibson——

A. That happened about the last——

Q. Just a minute. A. Pardon me.

Q. How long after that was it, approximately, that they had an election to elect new Board of Director members?

A. Well, it was not very long after that, because they took it for granted——

Trial Examiner Batten: Just a minute.

The Witness: It was taken for granted that Earl and Lee and Johnny Reed and myself were out.

Mr. Cannon: I move to strike that. [773]

Trial Examiner Batten: It may be stricken. The

(Testimony of Rachel McBurnie.)

question is how long after was this new election for the Board of Directors, roughly? Was it a week?

The Witness: Within a week.

Trial Examiner Batten: Within a week?

The Witness: It was a very short time, because as I said, it was taken for granted that this other election ousting those—

Mr. Cannon: I move to strike that. Pardon me, Mrs. McBurnie. I move to strike that “taken for granted”.

The Witness: Yes, it was.

Trial Examiner Batten: It may be stricken.

Q. (By Mr. Ryan): After this election, Mrs. McBurnie, on the question of ousting you or Franklin, the election you have just described, about a week or so after that a new election for the Board of Directors was held to fill your place and the places of these other people mentioned? A. Yes.

Q. Earl Lawhorn, Lee Lawhon, and Johnny Reed. A. They replaced four of us.

Q. And you? A. Yes.

Q. Where was that election held to elect these new members?

A. In the cafeteria. All elections were held in the cafeteria at the Cannon plant. [774].

Q. In this election, the first election when the vote was 384, or whatever it was, to 380, do you remember how the ballot read?

A. Yes, sir. It said, “Will we retain Johnny Gibson or Richard Franklin or Rachel McBurnie, Earl Lawhorn, Lee Lawhon, and Johnny Reed?” That is the way the ballot read, that is the way the

(Testimony of Rachel McBurnie.)

ballots came out on Wednesday, and that is the way the people voted on it, and when it was all over, it was taken for granted by the Association and everybody. We didn't have a regular recall or anything. When the vote came out 380 for us and 384 for them, they took it for granted that we were out of the Association, off of the Board of Directors.

Trial Examiner Batten: Did that mean the only ones left were Gibson and Franklin?

The Witness: And Al Tuttle and John Hepple.

Trial Examiner Batten: Whose name besides Gibson's was mentioned in the ballot, any names?

The Witness: I don't think so, no, sir. Johnny Gibson or Richard Franklin, to retain Johnny or Richard or us four.

Trial Examiner Batten: You say, then, it was just taken for granted that what that ballot meant was that you were thrown out of office?

The Witness: Yes.

Trial Examiner Batten: And Gibson was retained?

The Witness: Yes. [775]

Trial Examiner Batten: And they went ahead and elected—

The Witness: Four more Board of Director members to replace us.

Trial Examiner Batten: And that is the Board of Directors which sat as a jury?

The Witness: Yes, sir.

Trial Examiner Batten: When you had your hearing?

The Witness: Yes, sir.

(Testimony of Rachel McBurnie.)

Q. (By Mr. Ryan): Now, the trial was held on a Saturday, is that right, the first?

A. Saturday at noontime. It started at 11:00 o'clock, I think.

Q. And after starting at 11:00, it ran how long?

A. I believe we were out of there before three in the afternoon.

Q. It ran on two successive Saturdays, is that right?

A. Yes, sir.

Q. And the first trial date was July 15, 1944?

A. I believe it was.

Q. During those trial days, this group of directors of the C.E.A. that were sitting as a jury, were any of those people normally employed on the day shift at that time, do you know?

Mr. Cannon: Of your own knowledge.

The Witness: I don't know. I really don't.

Trial Examiner Batten: Let's just have the witness [776] testify.

The Witness: That is true.

Mr. Cannon: Well, was I out of order on that?

Trial Examiner Batten: If I understood you, I think you were. I may have misunderstood what you said.

Mr. Cannon: I said of her own knowledge.

Trial Examiner Batten: Then I was mistaken. That is all right.

Q. (By Mr. Ryan): Wasn't Johnny Gibson on the day shift at that time?

A. Yes, sir, he was, but Johnny used to replace other people that were off on vacation. In other

words, he has switched over and worked the swing shift, and I would not swear to it that he was working—that he was taking company time.

Q. After that trial, Mrs. McBurnie, or the hearing ended, did you thereafter receive a communication from anyone, verbally or otherwise?

A. Yes, sir.

Q. About the verdict of the trial?

A. Not as to the verdict, no. We were found guilty and not guilty right there at the trial.

Q. You were told that at the hearing?

A. Yes. The Board of Directors acted as a jury and said that they found us guilty or not guilty at that particular [777] time, and that is the only notice that we had. [778]

* * * *

HERBERT L. CAFFAREL,

a witness called by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

Direct Examination

* * * *

Q. Were you ever employed by Cannon Manufacturing Corporation and Cannon Electric Development Company? A. Yes, I was.

Q. Approximately when did you begin to work for that company? A. It was in June, 1940.

Q. What was your job first?

A. My job first was on drill press a couple of weeks.

Q. A couple of weeks? A. Yes.

(Testimony of Herbert L. Caffarel.)

Q. Then you were transferred to another job?

A. I was transferred to milling machine.

Q. In the same department? [946]

A. In the same department.

Trial Examiner Batten: Is that Department 11?

The Witness: Well, it was at the old plant and I don't know whether they had segregated all the departments. Incidentally, we stayed over there about two months and we moved to Plant 2, and it was called Department 2; and it is called that now.

Q. (By Mr. Ryan): It is still called Department 2? A. That is right.

Q. When did your employment terminate with the company, if it did? A. July 29, 1944.

Q. Mr. Caffarel, did you remain in Department 2 all the time that you worked there?

A. All the time I worked there.

Q. At the time you began working, who was your foreman? A. Dallas Hough.

Q. How long did he continue to be your foreman, approximately?

A. Well, he continued to be my foreman until the time I was transferred on days. See, this was swing shift I started on. I started to work on the swing shift and then I was transferred on days under Leonard Brooks.

Trial Examiner Batten: For how long?

The Witness: I think it was around five months after I [947] was first employed.

(Testimony of Herbert L. Caffarel.)

Trial Examiner Batten: Who was your foreman during the day?

The Witness: Leonard Brooks.

Q. (By Mr. Ryan): Did he continue to be your foreman all the rest of the time that you worked for the company?

A. No, there were several changes made afterwards. Ed Bennet became my foreman, and then later on there was another change in the foremanship and Dallas Hough came on days again. And then the final analysis of it was that Bob Weber became my last foreman.

Trial Examiner Batten: Bob Weber?

The Witness: That is right.

Q. (By Mr. Ryan): Now, Mr. Caffarel, in the early part of 1941 did it come to your attention that the C.I.O. was beginning an organizational drive among the employees of the company?

A. In 1941?

Q. Early part of 1941. A. Yes.

Q. Did it thereafter come to your attention an association was being formed; also was coming into existence?

A. Well, the first that I knew about the association was through Ned Mandella. See, Ned was working at the tool crib and I was working on a milling machine at the time. [948]

I was contacted—I don't remember by whom—to assist in organizing the C.E.A. And I also was contacted by the C.I.O. to assist in organizing the C.I.O.

(Testimony of Herbert L. Caffarel.)

I became very friendly with Ned. Incidentally, at the time I came into the picture was when Ned was in the tool crib with a sheet taking names down, and he approached me at that time to join the C.E.A. It wasn't the C.E.A. at the time. It was the Cannon Employees Recreation Association.

Q. That is what it was called first?

A. Yes, that is what it was called then.

Q. Did you have a conversation with him during those early stages of the organizational drive, about your assisting him?

A. Yes. He solicited my assistance, definitely.

Q. Did it take place at the tool crib?

A. Well, I don't know whether it took place at the tool crib or not. About the only thing I can remember at the tool crib is he wanted me to join, he wanted me to sign up.

Mr. Cannon: May I ask a question here, for clarification?

Mr. Ryan: Yes.

Mr. Cannon: So we will have the time in mind when you first came in contact with Mandella, with respect to Cannon Employees Recreation Association, was that before or after the C.I.O. began its campaign in early 1941? [949]

The Witness: That was afterwards.

Mr. Cannon: First it was the C.I.O. and then the C.E.A.?

The Witness: Well, Ned was quite busy around there. He was quite interested in athletics at the time.

(Testimony of Herbert L. Caffarel.)

Mr. Cannon: All right.

Q. (By Mr. Ryan): Well, would you place this conversation around the latter part of February? Do you think that would be about the time of it?

A. Well, we became friendly immediately after that. After he was signing up the cards at the tool crib window. Ned was running a sort of a shop laundry there. He used to take the boys' laundries and have them laundered and bring them in. And he used to distribute the mat at the window.

He said, "I think you would be a good organizer, you have a nice personality."

I said, "All right, I will do what I can for you." So then we hitched on from then on.

Q. Was anyone present when Mandella talked to you like that? A. No.

Q. Or had that conversation with you?

A. No, it was only Mandella and I.

Q. This was about the time he had the sheets there and was signing up names for the Association? A. Yes, it was during that time.

Q. Did you hear Al George testify about that matter? [950] A. In this court room?

Q. Yes. A. Yes, I did.

Q. He fixed the time some time in February, I believe, 1941. Is that about your recollection of about the time?

A. It was the early part of the year, yes.

Q. Thereafter did you take an active part in the organization of the Association?

A. Oh, yes, I did.

(Testimony of Herbert L. Caffarel.)

Q. After you talked to Mandella and he had solicited your assistance, did you thereafter have further conversations with him about organizing the Association?

A. Oh, yes. In fact, we would see each other almost every day.

Q. Every day? A. Yes, that is right.

Q. Can you place the subject matter of the conversations at any particular time after the first conversation? Can you tell us how many days later you had the next conversation?

A. You mean the time that he was at the tool crib?

Q. Yes.

A. No, I can't remember. I can't remember the amount of time. It wasn't very long afterwards.

Q. Will you tell us what you did in connection with the formation of the Association? Just what did you become for [951] the Association?

A. Well, Ned had a badge printed—made for me, one of these big badges. He said, "That will give you color."

He said, "You take care of the girls. You have a personality." He said, "I will take care of the men and the rest of the boys will take care of the men, and all you have to do is take care of the girls." I said, "That is fine."

Q. Now, about how long was it after he first contacted you and solicited your assistance that he had this badge prepared and turned it over to you?

(Testimony of Herbert L. Caffarel.)

A. Well, he made the promise that I was to become a board member, and——

Q. When did he make that promise?

A. In the early part of the campaign against the C.I.O., after he was transferred to Department 3, the assembly department.

Q. When was that, approximately?

A. Well, it was a short time after the inception of the Association. That is not the C.E.A., but the former one, Cannon Employees Recreation Association.

Q. Was that a different organization than the C.E.A.?

A. Yes, it is the same one. The recreation formed into the C.E.A. later on.

Q. In the beginning it was called Cannon Recreation Association? [952]

A. That is right.

Trial Examiner Batten: What was on this badge?

The Witness: "Member of the Board of Directors," and my name, first, in big letters.

Q. (By Mr. Ryan): Did you wear the badge on your——

A. Lapel.

Q. ——clothes? A. Yes.

Q. About the plant there? A. Yes.

Q. Did you solicit anyone for membership in the Association?

A. Well, I was talking anti-C.I.O. most of the time.

Mr. Cannon: I move to strike that. Go ahead.

Trial Examiner Batten: It is not responsive.

(Testimony of Herbert L. Caffarel.)

The question is: did you solicit members for the Association?

The Witness: Yes, I did.

Q. (By Mr. Ryan): What departments were you active in in that regard, in soliciting?

A. In Department 2 more than any other department, at that time.

Q. That was your own department?

A. Yes, that is right.

Q. Did you go around to each of the employees and contact them when you were talking about the C.E.A.?

Mr. Cannon: I thought it was the—— [953]

Mr. Ryan: Recreation Association.

The Witness: Yes, that is right.

Q. (By Mr. Ryan): Can you think of any of the ones you talked to?

A. Well, I talked quite a lot to one by the name of Cliff St. Clair. He was a fellow employee on the milling machine. And Bill Covey, also. He is also a milling machine operator. And some of the girls on the burr bench. I have forgotten their names.

Q. Was this during the first weeks of your active participation in the Association?

A. Not necessarily the first week. I gradually worked into it because I didn't know all the employees, you know; I had to make acquaintances.

* * * *

Trial Examiner Batten: What was your general discussion [954] with these employees? I think you named about three employees.

(Testimony of Herbert L. Caffarel.)

The Witness: I told them the advantages of the recreation club in opposition to the C.I.O., that the dues were only 50 cents and that we weren't obliged to go to any meetings or anything like that. And that we retained some of our so-called independency, and that it could be one big happy family there and we didn't need no outside help.

Q. (By Mr. Ryan): Did you say anything else to them?

A. Well, I said quite a lot, but I can't remember just what it was.

Q. Did you bring the company into the conversation in any way?

A. Well, I brought the company in at the time that some of the letters that were being written by Mr. Cannon were given out to the public, and more so the correspondence with Harry Bridges.

Q. About the time of the correspondence with Harry Bridges?

A. Yes. He wrote letters to Harry Bridges and Harry Bridges would answer, making quite an interesting conversation between the employees in the plant.

Trial Examiner Batten: You mean by that you discussed that matter with these employees——

The Witness: Oh, yes.

Trial Examiner Batten: ——you were soliciting? You discussed that matter with them? [955]

The Witness: About the Bridges affair?

Trial Examiner Batten: Yes.

(Testimony of Herbert L. Caffarel.)

The Witness: Yes, it was generally discussed throughout the plant.

Trial Examiner Batten: Aside from the general discussion, did you discuss it?

The Witness: Yes, I did.

Q. (By Mr. Ryan): Mr. Caffarel, will you tell us what you did in your efforts, other than this solicitation that you have talked about now? That is, when you talked to these employees that you have named; about the Association? What would you do besides talk to them, if anything?

Mr. Cannon: Ask him if he signed them up?

Q. (By Mr. Ryan): Did you sign them up?

A. Yes, that was part of my job. I didn't sign many of them.

Q. We want the details.

Trial Examiner Batten: He says he didn't sign many. Can you tell us about how many you did have sign cards?

The Witness: I should imagine five or six.

Trial Examiner Batten: Five or six?

The Witness: Yes, that is right.

Q. (By Mr. Ryan): Now, at the particular time that you talked to these persons you have named, did you talk to them during your working hours? [956]

A. Yes, I did.

Q. Right on the job? A. That is right.

Q. Did you have occasion to know whether or not the foreman was aware of your doing that?

Mr. Cannon: Just a minute. I object to that as

(Testimony of Herbert L. Caffarel.)

calling for his conclusion. I don't mind what he saw, what the foreman saw or said.

Trial Examiner Batten: I think what he should tell is whether the foreman was present.

Q. (By Mr. Ryan): Was the foreman present in the department at the time?

A. Yes. In fact, the foreman knew—they were aware of what was going on.

Mr. Cannon: I move to strike it out.

Trial Examiner Batten: That may be stricken. The question to you is: Was the foreman there?

The Witness: You mean when I was organizing or signing them up?

Trial Examiner Batten: Yes, when you were talking to these men.

The Witness: No.

Trial Examiner Batten: He didn't hear what you said.

The Witness: No, the foreman didn't hear what I said.

Q. (By Mr. Ryan): Can you give us some specific fact which [957] would indicate whether or not the foreman knew that you were active in this C.E.A.?

A. Well, later on I can bring that out. But at the present time we are covering the first phases of the Cannon Employees Recreation Association.

Q. Did you continue to be active all the way up to, say, the first National Labor Relations Board election that was held there in September, 1941?

A. Yes, I was active all the way through.

(Testimony of Herbert L. Caffarel.)

Q. Did you continue with Mandella to be active? Did you work together all of that time?

A. Yes.

Q. Who else besides you and Mandella, if any-one, were active in this promotion of the Association?

A. Well, there was the members of the Board, Andy Bereznak—shall I name them?

Q. Yes.

A. Andy Bereznak, Roy Whitney, a fellow by the name of Fish.

Q. George Fish? A. Yes, George Fish.

Q. Where did he work at that particular time, do you know? Do you know what his job was in the plant?

A. Roy Whitney, I believe, worked in the assembly. And George Fish—I don't remember where he was working. Pete Vitale was working in the assembly. [958]

Mr. Cannon: Who?

The Witness: Pete Vitale. And Andy Bereznak, I think he was working on a punch press—I am not sure—on the swing shift. I am not so sure.

Q. (By Mr. Ryan): Do you know what Whitney's job was, whether he was just an ordinary worker?

A. Yes, he was just an ordinary worker. Several of the girls, Helen Olsen and Margaret Gellinson.

Q. Where did she work?

A. She worked in Department 11, in Glen Mc-

(Testimony of Herbert L. Caffarel.)

Clung's department. It was Herb Elgin's department, also. And Bernice Perkins.

Q. Now, did you ever see any articles of incorporation for the Association that you were working for?

A. Well, no. No, I didn't see any articles of incorporation.

Q. Did you ever see them? Did you ever see a booklet?

A. Yes, later on, the rules and the by-laws of the Association came in public.

Q. Mr. Caffarel, I show you Board's Exhibit 35, entitled "Cannon Employees' Association, Articles of Incorporation, By-Laws." I direct your attention to the outside of the booklet which says, "Incorporated under the laws of the State of California, March 13, 1941." Were you active about that time in soliciting members for the so-called Recreation [959] Association? A. Yes.

Q. Will you tell us whether or not there were two organizations side by side in the plant, that is, Recreation Association and an Employees' Association, or whether there was just one organization?

A. Well, the Cannon Employees Recreation Association lapped into the Cannon Employees' Association. I had some cards printed and Ned give me the cut and everything else, how to have it printed. That is, the wording, and I had them printed. It was Cannon Employees Recreation Association. But, however, during the time that this was printed we were called by some members—the bulletins that

came out of the gate were C.E.A., had C.E.A. on them. So we couldn't quite define which it was, which one it was. But Ned said that was all right, he knew what he was doing, so I don't know what happened.

Trial Examiner Batten: Let me understand you. You mean during the time you were soliciting people for the Recreation Association there were bulletins calling it the C.E.A.?

The Witness: That is right. In other words, we continued to use the cards, the Cannon Employees Recreation Association.

Trial Examiner Batten: You mean even after it was incorporated under the C.E.A.? [960]

The Witness: That is right. I don't know how long, it might have been a couple of months.

Q. (By Mr. Ryan): You got some cards printed, I believe you said, some additional cards?

A. Yes, that is right.

Q. About when was that that you got them?

A. I can't remember when it was. It was after the first yellow cards were printed, the ones with the Cannon emblem on them, with the round corners; those were the first that were ever printed.

Trial Examiner Batten: Show him the red ones. Were they the ones that followed the yellow ones?

The Witness: Yes, they followed the yellow.

Trial Examiner Batten: I think there are one or two there that have been received.

The Witness: The different colored ones were the different departments, like that (indicating).

(Testimony of Herbert L. Caffarel.)

That is a different department, Department 11. Red was Department 2, and so on down the line.

Q. (By Mr. Ryan): Were blue ones in that bunch of cards I gave you and yellow ones and red ones; isn't that right?

A. Yes, that is right.

Q. You say various colors were used in the various departments? A. That is right. [961]

Q. But the wording on the cards is the same.

A. Is the same.

Q. "Cannon Employees Recreation Association?" A. That is right.

Q. Looking at the card on the top of the pile of cards which you are now looking at of Cannon Employees Recreation Association, I notice across the bottom, which is the place for the punching of the various months to show payment of dues by the members. A. That is right.

Mr. Cannon: May I ask a question there? Are these cards of different colors, aside from the first batch of yellow which had the emblem on them, are the other cards you had printed for Cannon Employees Recreation Association, too?

Mr. Ryan: Yes, they are.

Q. (By Mr. Ryan): The one on top I notice is punched out as late as July, which indicates that the person whose card it is appears to be Evelyn Beck, and was paying dues with the Recreation Association as late as July, 1941, at least; is that right?

A. That is right.

Q. By the way, I started to show you this

(Testimony of Herbert L. Caffarel.)

Board's Exhibit 35. You filed this as the articles of incorporation of the Cannon Employees' Association? A. Yes. [962]

Q. I notice that page 8 is entitled "By-Laws, Cannon Employees' Association (as amended November 5, 1942)." Were you there when the amendments were made? A. No, I wasn't.

Q. You were working for the company, though; isn't that right?

A. Yes. I mean I wasn't at the Association's office.

Q. Now, Mr. Caffarel, about June 9, 1941, I ask you if the Cannon Employees' Association filed a petition with the National Labor Relations Board for an election?

Mr. Ryan: Counsel, we can probably stipulate to that. I have the file in the case. [963]

* * * *

Mr. Cannon: Yes, I will stipulate to that.

Trial Examiner Batten: What is the number of that case?

Mr. Ryan: That case number is 21-R-1354.

Trial Examiner Batten: Now, is that the case where there was an election held later?

Mr. Ryan: Yes. A strike took place early in September. It was after that.

Trial Examiner Batten: There were objections filed to the election?

Mr. Ryan: Yes.

Trial Examiner Batten: Then there was a Board petition?

(Testimony of Herbert L. Caffarel.)

Mr. Ryan: There wasn't a Board hearing on the matter.

Trial Examiner Batten: It was by consent?

Mr. Ryan: Yes.

Trial Examiner Batten: There were objections. And did the Board pass upon the objections to the election?

Mr. Cannon: Yes.

Trial Examiner Batten: Well, you don't need to look it up now, but do that, Mr. Ryan, so the records are complete. Get together all the formal papers in connection with that case, the petition, the report of the election, the objections and the disposition of them, so that we may have them in the record. Mr. Ryan, I assume you are aware of the fact that Board's Exhibit 35 hasn't been received.

Mr. Cannon: It may be, as far as I am concerned. [964]

Mr. Ryan: I offer it in evidence as Board's Exhibit 35.

Trial Examiner Batten: It may be received.

(The document heretofore marked as Board's Exhibit No. 35, for identification, was received in evidence.)

* * * *

Q. (By Mr. Ryan): Mr. Caffarel, I show you Board's Exhibit 35 and ask you whether or not, after you have read it, you ever received a copy of

(Testimony of Herbert L. Caffarel.)

that while you were in the employ of the company, about May, 1941?

A. Yes, these were given out at the gate by the Cannoneer staff; Frank Hobart staff.

Q. That Cannoneer paper, the staff of the Cannoneer paper? A. That is right.

Mr. Cannon: What is that? Is that a "Making Dreams Come True" letter?

Mr. Ryan: No, that is the letter suggesting the formation of a contact committee.

Q. (By Mr. Ryan): Now, Mr. Caffarel, after you had received [965] that letter, did you have occasion to become associated with the formation and administration of that contact committee which is referred to in Board's Exhibit 5?

A. Yes, I became its chairman.

Q. Now, I ask you, Mr. Caffarel, what were the mechanics by which you became the chairman of that Association?

A. Well, after this letter was given out by the company, the machine was set up by Hobart's office, crew. That is, Mary Torrence came into the department.

Mr. Cannon: Came to your department?

The Witness: Yes, that is right. And the ballots had a perforated corner with the number of the employee, and they were passed around, and we all voted, and they were picked up again. Before you put the ballot in the box, the stub, the corner was torn off and it was retained by Miss Torrence.

Q. (By Mr. Ryan): This girl?

(Testimony of Herbert L. Caffarel.)

A. That is right, this girl, and it so happened, in my particular department, a fellow by the name of Bob Latham and I were the two highest numbers.

Q. Under that voting?

A. Under that voting. Then we had another election, an election eliminating either he or I. I won out over him.

Mr. Cannon: What is this other fellow's name, Bob what? [966]

The Witness: Bob Latham.

Trial Examiner Batten: How was the second election conducted?

The Witness: The same way.

Q. (By Mr. Ryan): About how long was it after this document, Board's Exhibit 5, was received by you, that this election was held, would you say, approximately?

A. I don't know. However, the letter stated the date that this contact committee was going to begin. Mr. Cannon stated that in the letter.

Q. The ballots that were brought down were brought down by this Mary Torrence?

A. That is right.

Q. Into the department? A. Yes.

Q. She was employed in Mr. Hobart's office?

A. I think she was co-editor or assistant editor or something.

Q. Was it during your working hours she came into the department?

A. Yes. The first time it was around 3:00 o'clock

(Testimony of Herbert L. Caffarel.)

in the afternoon, and the second time, I don't remember whether it was afternoon or in the morning.

Q. Did she have the ballots with her when she came in and gave them out to you? [967]

A. That is right.

Q. Did you all mark them as you were being given the ballots? A. That is right.

Q. Did she have the ballot box with her?

A. Yes.

Q. You deposited the ballot in the box after you had marked it; is that right?

A. That is right.

Q. And she took the ballots and ballot box and went out of the department; is that right?

A. That is right.

Q. Did you thereafter receive information to the effect you had been nominated?

A. Yes. She came back with a big sheet with all the different departments, and who was elected, and so forth and so on. In other words, the tally sheet. She told me I was elected in Department 2. There was to be a meeting in the conference room upstairs at a certain date. Shall I continue?

Q. Yes.

A. And on this certain date, why, we all met up there, all the contact men.

Q. About how long was it after the first election that you had the second election, the run-off election, I [968] suppose it was.

A. It was only a few days later.

(Testimony of Herbert L. Caffarel.)

Q. About how long was it after that that she notified you of the results?

A. Approximately a week.

Q. Then you held a meeting, you gathered up in the conference room, those who had been elected, according to her information?

A. That is right.

Q. Whom did you meet with up there, if any one?

A. Well, we all met up there. Mr. James H. Cannon was present and Bob Cannon was present.

Trial Examiner Batten: Talk a little louder.

The Witness: Mr. James H. Cannon and Bob Cannon were present, and they suggested we form the machinery of the contact committee. So they proceeded. That is, we proceeded to elect a temporary chairman and a vice-chairman and a secretary.

In that meeting it was proposed to have by-laws written to handle the contact committee. I was elected the temporary chairman. "Cupid" Kane was elected vice-president and Claude Turner was secretary.

Trial Examiner Batten: Claude Turner?

The Witness: Claude Turner, yes. At the next meeting, why, we proceeded to elect the final officers of this contact committee. It so happened that each man was re-elected [969] from the temporary position we held before. In other words, I became chairman and "Cupid" became vice-chairman.

Q. (By Mr. Ryan): By whom?

A. Members of the contact committee.

(Testimony of Herbert L. Caffarel.)

Q. You had an election between the members to decide who would hold the respective offices?

A. That is right.

Q. I show you Board's Exhibit 9, Mr. Caffarel, dated June 23, 1941, and ask you whether or not that is a document that was put out, that you participated in the putting out of? There are two pages to it. I want to call your attention to that.

A. There are supposed to be three pages.

Mr. Cannon: Supposed to be three pages?

The Witness: No, that is right, yes. One of them was written by myself..

Trial Examiner Batten: Which one?

The Witness: The one thanking the committee.

Mr. Cannon: The one that has the date on it of June 23, 1941?

The Witness: That is right, yes. Yes, I wrote this (indicating). Shall I read it?

Q. (By Mr. Ryan): No, you don't have to read it. That is the first page of the exhibit?

A. That is right. I wrote it and I took it up to Bob Cannon [970] and asked him what he thought about it.

Bob said, "Take it over to Frank Hobart and he will take the fly specks out of it for you." Then I took it to Frank Hobart. The next time I saw it it was given out at the gate by the Cannoneer staff attached to a letter by James H. Cannon.

Q. Well, what you mean is when you wrote it up you wrote up a rough draft and took it to Bob Cannon, first, the rough draft of this document.

(Testimony of Herbert L. Caffarel.)

A. That is right, yes.

Q. Then he suggested you take it to Hobart?

A. Yes.

Q. You took it to Hobart; is that right?

A. That is right.

Q. Then thereafter did you receive any communication from Hobart to come to his office about it?

A. No, I didn't. But, however, I received a communication from upstairs—I don't remember who it was—one of the girls, and they wanted me to put my signature—

Trial Examiner Batten: On a stencil?

The Witness: That is right. As it appeared here (indicating), as chairman and accepted by James H. Cannon; his signature appears.

Q. (By Mr. Ryan): When you went up to put your signature on the stencil the document was as it now appears, Board's [971] Exhibit No. 9, being a 2-page document. A. Yes.

Q. You affixed your signature as it appears there (indicating)? A. Yes, that is right.

Q. The document was distributed to the employees thereafter? A. At the gate, yes.

Q. Who distributed them?

A. Well, the Cannoneer staff. Mary Torrence was out there, and there was another girl, I believe, that worked there at that time.

Q. Thereafter did you have meetings of this contact committee?

A. Yes, we had quite a few meetings.

(Testimony of Herbert L. Caffarel.)

Q. Where would you meet?

A. Meet upstairs in the conference room adjoining James H. Cannon's office.

Q. Did you have any regular meeting day each week?

A. Well, we met after working hours; that is, after our working hours, the day shift. But the committee had contact men from every department and every shift that blanketed the whole shop.

One Saturday we had a case—I have forgotten who it was—that was held on a Saturday afternoon during our work period, that is, during the day shift work period. [972]

Mr. Cannon: These are meetings of the grievance committee you mean?

Mr. Ryan: Yes.

Trial Examiner Batten: What do you mean you had a case?

The Witness: I didn't understand.

Trial Examiner Batten: What do you mean you had a case?

The Witness: Well, that is, a grievance case.

Trial Examiner Batten: Tell us about it.

The Witness: I have forgotten the fellow's name. I have forgotten the particulars of the case, but I do remember that it was on a Saturday afternoon.

Trial Examiner Batten: Is that what you used to do at your meetings, take up grievances the employees had?

The Witness: That is right. It was originally

(Testimony of Herbert L. Caffarel.)

set up as a contact committee to contact the difficulty that arose between management and employees.

Trial Examiner Batten: Was there any representative of the respondents present at these meetings you had?

The Witness: Yes, Bob Cannon would sit in some and Mr. James H. Cannon would sit in some.

Trial Examiner Batten: Anyone else?

The Witness: No, not that I remember.

Q. (By Mr. Ryan): Did you ever take up the matter of discharge of an employee as a grievance?

A. Yes, we discharged a die caster by the name of Bill [973] Citrowski.

Mr. Cannon: After the grievance hearing, you mean?

The Witness: That is right.

Q. (By Mr. Ryan): Did you take up the matter of his discharge as a committee?

A. Yes. It ran through the committee.

Q. Did you confer with Mr. Bob Cannon or Mr. Jim Cannon, or both of them, relative to that matter?

A. I didn't confer with them. We had a committee set up of three men that would bring the grievances, that is, the subject of the grievances, after it was passed by the Board, to the management. I didn't do that directly. We had a committee set up for that purpose.

Q. Three of your own members would go up and contact the management about it?

(Testimony of Herbert L. Caffarel.)

A. That is right. And we had a case of discharging a foreman.

Mr. Cannon: I take it these matters, if the Commissioner please, are not being heard here because of improper discharge. I suppose this testimony runs to the matter of the organization of the grievance committee, so-called, the contact committee.

Mr. Ryan: Yes.

Trial Examiner Batten: I assume the only purpose of it is simply to show what the grievance committee did, the contact committee.

Mr. Cannon: Yes. [974]

Trial Examiner Batten: It is not for the purpose of passing upon any discriminatory action.

Mr. Cannon: That is what I understand.

Trial Examiner Batten: No.

Mr. Cannon: Fine. All right.

Q. (By Mr. Ryan): In the case of the foreman, Mr. Caffarel, that you took up the matter of his discharge, did you take that up as a committee with Mr. Cannon?

A. Yes. Joe Kales was foreman of the die cast. The grievance was brought up by the employees.

Q. Had he been discharged.

A. No, there were no grievances against the foreman. It was brought up by the employees. Then we started the procedure of having the grievances—well, that is wrong. In other words, we acquired the grievances, we received them. Then Mr. Bob Cannon and Mr. Cannon himself more or less tried Joe Kales in our presence.

(Testimony of Herbert L. Caffarel.)

Mr. Cannon: Tried what?

The Witness: Tried him. That is, they questioned him, I would say, in our presence, in the contact committee's presence. And Mr. Cannon had a stenographer there that took down the contents of the trial.

Q. (By Mr. Ryan): After the trial was over, was a decision made by anybody?

A. Yes, a decision was made by, I believe, Mr. Cannon and [975] Mr. Cromwell was waiting downstairs in his office for the verdict. I don't remember exactly—I wasn't there—but I don't remember exactly what took place.

Trial Examiner Batten: You mean you weren't present?

The Witness: I wasn't present between Mr. Cannon and Mr. Cromwell.

Q. (By Mr. Ryan): I am talking about what happened in the trial, at the conclusion of the trial, about the decision, if any, if you know.

A. We didn't vote on it. We were just in there and listening, and the employees that were called up as witnesses—there was the contact committee and employees that were called up as witnesses, both of the Mr. Cannons, and the stenographer who were present.

Q. The grievance had been brought to Mr. Cannon through your committee; is that right?

A. Yes, more so through John La Bash. He was working in this die cast department.

Trial Examiner Batten: As I understand, some

(Testimony of Herbert L. Caffarel.)

of the employees complained to your committee, first, about the conduct of this foreman?

The Witness: Yes, I was getting to that. Johnny La Bash was the floor leader of these complaints. He was a member of the contact committee, as I remember.

Q. (By Mr. Ryan): Now, can you tell us, relative to the [976] personnel of this contact committee, whether or not Cal Cannon was ever a member of it?

A. Cal Cannon was elected later on as a member of the contact committee. I don't know in whose place, whether it was Claude Turner or Bruce Arnold.

Mr. Cannon: Well, I submit the reference to this document here couldn't, by any possible chance, refresh his recollection. Cal Cannon's name doesn't appear there, or anything else.

Trial Examiner Batten: That has been stated to him.

Mr. Ryan: The document doesn't bear the name of Cal Cannon.

Trial Examiner Batten: As I recall, the witness looked at it and said he recalled that later he was elected to the contact committee to take the place of someone else.

The Witness: That is right.

Trial Examiner Batten: Isn't that correct?

The Witness: That is correct.

Q. (By Mr. Ryan): What department did he represent as a member of the contact department?

(Testimony of Herbert L. Caffarel.)

A. I don't know for sure, but he was connected upstairs, that is, in the office upstairs.

Trial Examiner Batten: Who was the person you say was later elected?

The Witness: Cal Cannon. [977]

Q. (By Mr. Ryan): What position did he hold with the company at that time?

A. I don't know what position.

Q. Well, first of all, will you tell me how long that contact committee continued to function, approximately.

A. Oh, I think somewhere in the neighborhood of three months, I believe.

Q. Three months?

A. I don't know for sure.

Q. About three months? A. Yes.

Q. It was sometime between the beginning of the contact committee and about three months later that Cal Cannon was elected to the committee; is that right? It must have been.

A. You mean from the time the committee was started until the time Cal Cannon was elected?

Q. No. I am trying to find out approximately when he took a position on that contact committee.

A. Well, I don't know when he took a position. I don't know the date, but I do know he did take the position as a contact member later on, after the inception of the contact committee.

Q. Now, while you were chairman of that contact committee, did you continue any activities with the Cannon Employees' Association? [978]

(Testimony of Herbert L. Caffarel.)

A. Do you mean continue organizing?

Q. With Mandella. A. Yes, I did.

Q. Did you continue to wear your badge?

A. No, I took the badge off. I took the badge off after I became chairman of the contact committee.

Q. Did you ever prepare literature for the Association? A. Occasionally, a few pieces.

Trial Examiner Batten: Mr. Witness, will you take that Board's Exhibit 9? Is that the one that lists the contact committee?

The Witness: Yes.

Trial Examiner Batten: Are there any names on there of people who were active in the Recreational Association or the Cannon Employees' Association?

The Witness: Besides myself?

Trial Examiner Batten: Besides yourself, yes.

The Witness: One here definitely, Frenchy Martin. I believe he was a member of the Board.

Trial Examiner Batten: Of what organization?

The Witness: He had been formerly a member of the board of the Cannon Employees—I don't know whether it was Association or Recreation.

Trial Examiner Batten: One or the other. Are there any names on there other than yours and Martin who later became [979] active in the C.E.A.?

The Witness: I will check up and see. Yes, James Barton. He became a member of the board in 1944.

Mr. Cannon: James Barton?

The Witness: Yes, Jimmy Barton.

(Testimony of Herbert L. Caffarel.)

Mr. Cannon: How many more are there on there besides yourself?

The Witness: Frenchy Martin and Jimmy Barton.

Mr. Cannon: That is Caffarel and Martin and Barton?

The Witness: That is right.

Mr. Cannon: How many others are there on that contact committee than those three who were on the board later of the C.E.A.?

The Witness: I think there were 18 of us altogether.

Q. (By Mr. Ryan): Now, I ask you, Mr. Caffarel, if you continued as chairman of the contact committee all through its existence?

A. Yes, I did.

Q. Now, was that organization, did you go through the procedure of dissolving it?

A. Yes. After the election between the C.I.O. and the C.E.A.

Mr. Cannon: That is the one of September 9th?

The Witness: The first election. Ned contacted me and——

Q. (By Mr. Ryan): Ned Mandella? [980]

A. Yes. In the plant it was. He contacted me in the plant and he says, "Well, Doc,—” He didn't say I or you. He says "we.” I definitely remember that.

He says, "Well, we have to disband that contact committee.”

I said, "What do you mean 'we'?"

(Testimony of Herbert L. Caffarel.)

He said, "We will have to disband it." He said, "I want to be there when you disband it."

I said, "Well, you can come along if you want to." I said I would disband it. I have forgotten whether it was that same afternoon or a few afternoons later. However, we went upstairs together at this meeting of disbandment.

Trial Examiner Batten: You say you disbanded it. What do you mean?

The Witness: In other words, we made a motion the committee wouldn't exist any more, and so forth and so on.

Q. (By Mr. Ryan): The meeting took place upstairs where?

A. In the conference room.

Q. There at the plant? A. That is right.

Q. Who was present besides yourself and Mandella?

Mr. Cannon: Did you say Mandella was there?

The Witness: Yes, Mandella was there. The majority of the contact committee members. And after the motion was made and passed and everything, I got out of the chair— [981]

Q. (By Mr. Ryan): What motion was made?

A. That we disband the contact committee.

Q. Who made the motion?

A. I have forgotten who made the motion.

Q. Was it voted on?

A. That is right, it was voted, and it went through unanimously. I got up and said, "Here is your chair, Ned."

(Testimony of Herbert L. Caffarel.)

He took the head of the table and he began making a speech, saying he was going to take the contact committee in its entirety, because we had already had experience of grievances, and he was going to make that part of the C.E.A.

Q. Now, Mr. Caffarel, I ask you if late in 1942 you ran for the office of president of the Cannon Employees' Association.

A. No, I ran for office as a member of the board.

Q. A member of the board of directors?

A. That is right.

Q. I ask you if it was around the latter part of November, 1942, to the best of your recollection?

A. Yes, it was the latter part of the year. The election was held in the cafeteria. [982]

* * * *

Q. (By Mr. Ryan): Mr. Caffarel, thereafter you ran for membership on the board of directors in about November, 1942?

A. That is right. The Association——

Q. Just a minute, now, Mr. Caffarel. Where did the election take place?

A. The election took place in the cafeteria.

Q. In the cafeteria? A. That is right?

Q. How long were the polls open, if you remember?

A. Well, they were open long enough to catch all the three shifts.

Trial Examiner Batten: How long would that be?

The Witness: Well, that would be—I think we

(Testimony of Herbert L. Caffarel.)

stayed open until—well, sometimes we would have the balloting up to 12:00 o'clock at night, and then sometimes we would stop at about 9:00, after we would catch the swing shift on their lunch hour.

Q. (By Mr. Ryan): What time would they begin in the mornings?

A. 6:30 or 7:00 o'clock.

Q. In the morning? A. Yes.

Q. And the occasion when you were running for the office of [985] member of the board of directors, did you personally act as an election clerk or teller of the votes? A. No, I never did.

Q. You did not? A. No.

Q. As a result of that election, did you become not only a member of the board but the president of the Association?

A. I was elected by the board as the president of the Association.

Mr. Cannon: You were elected by the board?

The Witness: That is right, as president of the Association. [986]

* * * *

Q. As president of the Association, Mr. Caffarel, I ask you whether or not you had occasion to leave the plant on any occasion during your working hours to take care of matters pertaining to the Association; as an officer? [990]

A. Yes, we had several meetings of the Association during working hours. Not when I was president, but when I was treasurer I used to go to the bank and deposit the check during working

(Testimony of Herbert L. Caffarel.)

hours. I would go upstairs and get the check and deposit it, and go to the bank.

Q. While you were president of the organization, did you have any pass or anything to get in and out of the plant?

A. Mr. Hawkinson gave me a pass. It was a printed card.

Q. About how long after you became president did you get the card, do you recollect?

A. I don't remember how long it was.

Q. Can you give an approximate estimate as to the time?

A. I imagine it was about three or four weeks afterwards, because I had to get a pass from my foreman previous to that time. The pass Mr. Henry Hawkinson gave me I could go just right out the gate.

Q. Do you have the pass with you?

A. No, I haven't.

Q. What happened to it?

A. I guess I destroyed it. Incidentally, Bill Attaway had one similar to mine.

Q. Was he a board of directors member?

A. Yes, he was a member of the board.

Q. Now, what did this pass entitle you to, if you can recall? [991]

A. Oh, just as a recognition to pass the guard. In other words, you couldn't walk out the gate without—you just couldn't walk out the gate, they wanted to know why you were leaving the plant.

(Testimony of Herbert L. Caffarel.)

This pass signified that it was all right for me to leave the plant.

Q. When?

A. Whenever I saw fit to leave the plant.

* * * *

Trial Examiner Batten: You had a pass that permitted you to go in and out any time you wanted to?

The Witness: That is right.

Trial Examiner Batten: And no one questioned you; is that right? [992]

The Witness: That is right, yes.

Q. (By Mr. Ryan): Can you mention the nature of any of the affairs you went in and out of the plant at will to take care of while you were president?

A. One of them was the time that we went to the bank to form this—that is, for the recognition of our status as executive members of the Board; that is, financial status. That was during the day.

Q. Was that while you were president?

A. That was while I was president; Andy Be-reznak and myself, and James B. Nolan.

Q. Was he a member of the board?

A. He was a member of the board, also.

Q. Shortly after you became president of the organization then you went to the bank, did you, that you were using as the depository for the C.E.A. financial matters and had a conference with them there to advise them as to the fact that you were new successors to the old officials of C.E.A.?

(Testimony of Herbert L. Caffarel.)

A. That is right.

Q. Now, approximately how long would you say it was after you became president of the C.E.A. that you did that?

A. Several days afterward.

Q. Now, where did you go? Where was the bank you went to?

A. The bank was the Citizens Bank on the corner of Daley [993] and Broadway, Lincoln Heights district.

Q. Have you named all that went with you?

A. All that I remember, yes.

Q. Bereznak and Jim Nolan?

A. And myself.

Q. About what time of day did you go down there?

A. It was in the afternoon, after 12:00 o'clock.

Q. But during your working hours?

A. Yes, during my working hours.

Q. Can you tell us about how long you were away from the plant on that occasion?

A. I think it took us about a half hour at least.

Q. You returned to the plant after you had been to the bank? A. Yes.

Q. You returned to your job? A. Yes.

Q. Did you receive any deduction for that?

A. Not that I know about.

Q. If you had you would likely remember it; wouldn't you?

Mr. Cannon: I submit it is argumentative.

(Testimony of Herbert L. Caffarel.)

Trial Examiner Batten: Well, did you punch out your time card?

The Witness: I don't remember whether I did on that occasion or not. [994]

Mr. Ryan: If that is the answer, I would like the time card.

Q. (By Mr. Ryan): You haven't fixed the time you went yet. Did you ever have a conference while you were president relative to any parties or social affairs that the C.E.A. was going to sponsor, during working hours?

A. Not as president, but as treasurer. We had meetings over at the Association's office.

Q. When did you become treasurer of the organization, approximately?

A. I became treasurer—Mrs. Florence Maynard was the elected president.

Q. Do you remember what year that was when Mrs. Maynard became president?

A. That was in 1943.

Q. About March, 1943?

A. Yes, just about then.

Q. She became president and you became treasurer?

A. That is right. She became president by a majority vote. And I became president by choice of the board of directors' members vote. [995]

Q. You became treasurer?

A. No, I became president by the Board members' vote.

(Testimony of Herbert L. Caffarel.)

Q. You were treasurer then, were you not, until about the latter part of December, 1943?

A. 1943?

Trial Examiner Batten: 1942; wasn't it?

The Witness: No.

Mr. Cannon: 1943.

The Witness: I was elected a member of the Board the first time in 1943.

Mr. Cannon: A member of the Board?

Mr. Ryan: No.

Q. (By Mr. Ryan): Mr. Caffarel, you were president before Florence Maynard; were you not?

A. That is right.

Q. Florence Maynard became president in March, 1943; isn't that right?

A. That is right.

Q. So you must have been president before March, 1943? A. 1942.

Q. 1943 is when she became president.

A. Yes.

Q. All right. Then you took over the job of treasurer after she became president; isn't that right? A. That is right. [996]

Q. You continued to be treasurer until the latter part of that year, isn't that right, from March until December, 1943?

A. Yes, that is right, until the latter part.

Q. Now, Mr. Caffarel, while you were treasurer, will you tell us what some of your duties were as treasurer of this association?

A. Well, the duties as treasurer was to make

(Testimony of Herbert L. Caffarel.)

the deposits in the bank and write the checks, that is, cosigner with the president of the association. And to turn over all bills and everything else to the secretary of the association.

Q. Now, you would take these deposits of the C.E.A. down to the bank; isn't that right?

A. Yes.

Q. To deposit them to the account of the C.E.A.?

A. That is right, yes.

Q. The banks close around here about three o'clock in the afternoon; isn't that right?

A. That is right.

Q. So each month you would receive a certain amount of money from the company; isn't that right? A. Yes.

Q. And upon receipt of the money you would take it down to the bank each month while you were treasurer; isn't that right?

A. Yes, I would take it down in the afternoon.

Q. Before bank closing time?

A. Yes, that is right, before bank closing time. I would stop over at the association and pick up the bank book, and then I would make the deposits and bring the bank book back to the association. And then I would go back to work.

Q. On those occasions when you would leave the company's plant and return, would you receive any deductions in wages for the time you would be away from your job?

A. No, in these particular instances I didn't receive any check-off.

(Testimony of Herbert L. Caffarel.)

Q. Were there occasions when other board members would accompany you to the bank on these trips to deposit funds for the C.E.A.?

A. Well, at one time there was Florence Maynard, myself, and Johnny Gibson went to the bank, and I think it was pertaining to some changes or something. I don't know what. That was during working hours. I always told my foreman I was going, when I left the department.

Q. Pardon?

A. I always told the foreman I was leaving when I left the department.

Trial Examiner Batten: What would you tell him?

The Witness: I told him I was going to the bank.

Q. (By Mr. Ryan): Now, were there ever any occasions when you would be over to the C.E.A. office during your working [998] hours, while you were either president or treasurer?

A. Well, the one time there was something about some employee in Department 11. I don't remember what the trouble was. But we met at the association office in the morning and we threshed out this grievance between this employee. I don't know what—I know the employee had a grievance of some kind. We threshed it out right there that morning. And we had another meeting at the association office concerning Henry Jones. Henry Jones was elected with Florence Maynard as a member of the Board. He was on the janitor's staff

(Testimony of Herbert L. Caffarel.)

and John LaBash, who was the foreman of that respective department, had caught Henry Jones stealing. It was pertaining to laundry.

Q. At least he was accusing him of that; is that right?

A. That is right. We wanted to thresh it out.

Q. You took up that matter—

A. At the association office. And the next day we had another meeting with Mr. Wilcox, and finally he was discharged.

Q. Do you recall, was that while you were president you took that up?

A. I think I was treasurer.

Q. On those occasions, were your wages deducted for the time you were away from your work?

A. I don't think so. [999]

Mr. Ryan: Miss Reporter, will you mark this as Board's Exhibit next in order, please.

(Thereupon, the document referred to was marked Board's Exhibit No. 55, for identification.)

Q. (By Mr. Ryan): Mr. Caffarel, while you were treasurer of the C.E.A., that organization published a weekly newspaper, isn't that right, to the employees? A. That is right.

Mr. Ryan: I have had marked as Board's Exhibit 55, for identification Volume 1, No. 16 of the C.E.A. News, dated Saturday, July 17, 1943.

Q. (By Mr. Ryan): Mr. Caffarel, I direct your attention to page 3, to the first column there on the

(Testimony of Herbert L. Caffarel.)

left-hand side of the page, "Board of Directors Meetings by John Gibson, Secretary. Minutes of the Board of Directors Meeting. The directors of the Cannon Employees' held a special meeting in the cafeteria on July 10th at 8:10 a. m."

I ask you if you were present? Read this and tell me whether you were present or not.

A. Yes, I was there.

Q. The subject matter related therein, do you remember that taking place at the meeting?

A. Yes, the C.E.A. wanted a photographer and John Petty wanted us to advance him the money to buy a camera, and we would deduct out of his wages every week and he would sell— [1000] that is, the selling of the pictures—we would deduct the amount from the price we had advanced on the kodak. The meeting was in the cafeteria with Florence Maynard and the Board of Directors.

Q. Now, the hours of the meeting took place on July 10th?

Trial Examiner Batten: Meeting of what?

Q. (By Mr. Ryan): The hours were from 8:10 a. m. in the morning to 8:45 on July 10th. That was during your working hours?

A. Yes. [1001]

* * * *

Q. (By Mr. Ryan): Now, the persons named in the article which I directed your attention to, the minutes of the Board of Directors' meeting, were present there at the meeting; is that right?

A. That is right.

(Testimony of Herbert L. Caffarel.)

Q. I ask you whether or not you received any deduction from your pay for the time you spent at that meeting? A. No, I did not.

Mr. Ryan: I offer Board's Exhibit 55 in evidence. [1003]

Mr. Cannon: I object, as to the objection heretofore made, it is hearsay and not within the basis of the charge laid.

Trial Examiner Batten: It will be received.

(Thereupon, the document heretofore marked Board's Exhibit No. 55, for identification, was received in evidence.) [1004]

* * * *

Q. (By Mr. Ryan): On that particular occasion, when he was first brought into the C.E.A. office there so the Board of Directors could look him over, I believe you stated that was around November some time, 1942? [1009]

A. Yes, that is right.

Q. You had to get him off the job and get him over there in that particular meeting?

A. Andy Bereznak invited him over.

Q. Anyway, he came in there?

A. He came in there during—that is, he came in during the working time of his shift; yes, that is right. If that is what you mean.

Q. How long did your meeting last there then, about?

A. Well, the meeting lasted until about 5:30.

Q. From what time to what time? When did it begin?

(Testimony of Herbert L. Caffarel.)

A. We always began our meetings about 4:35 or 4:40, just time enough to wash up and then come over there.

Q. What took place at the meeting? What was said and what was done and by whom?

A. Well, Andy said, "I brought Mr. Franklin over to introduce him to some of the members of the Board that don't know him." And the introductions went on.

Then I called the meeting to order, and it was suggested by Andy that Mr. Franklin become the publicity man for the association. And he got a unanimous vote. Therefore, he was appointed by the Board to handle the publication.

Mr. Cannon: Will the Commissioner ask him to keep his hands down. I can't hear half what he says.

Trial Examiner Batten: You dropped your voice on the [1010] latter part of your statement. I didn't hear it.

The Witness: The motion was made and carried out, and Mr. Franklin was made publicity agent of the C.E.A. at this particular meeting.

Q. (By Mr. Ryan): Now, about June 29, 1944, Mr. Caffarel,—before that, did you resign from the job of treasurer of the C.E.A. the latter part of 1943?

A. No, I was defeated in the final participation—

Q. There was an election held in about December, 1943, for new members?

(Testimony of Herbert L. Caffarel.)

A. That is right.

Q. In that election somebody succeeded you; is that right? A. That is right.

Q. Florence Maynard continued on as an official of the union, however, thereafter?

A. That is right. They had an election and Johnny Gibson won out in the majority vote over Florence Maynard. And Johnny Gibson became the president of the association.

Q. Florence Maynard continued on in the Board in another capacity?

A. Yes, I believe she continued as treasurer or secretary. I don't know. I wasn't a member of the Board after that.

Q. Then do you recall that Rachel McBurnie ran for the Board of Directors, as a member, in the spring of 1944?

A. Yes. I actively campaigned for Rachel McBurnie. [1011]

Trial Examiner Batten: For whom?

The Witness: For Rachel McBurnie.

Q. (By Mr. Ryan): She was elected?

A. That is right. She was elected by the Board and seated for a few minutes and then unseated.

Mr. Cannon: I couldn't hear.

The Witness: She was elected a member of the Board and seated for a few minutes, and then unseated again.

Q. (By Mr. Ryan): Did you become opposed to the policies that Franklin and Gibson had while they were officials in 1944 of the C.E.A.?

(Testimony of Herbert L. Caffarel.)

A. I became opposed more so against Mr. Franklin than I did against Mr. Gibson.

Q. In campaigning for McBurnie, did you take the position that you were trying to get somebody on the Board who would be favorable to your position, as opposed to Franklin's?

A. That was the definite idea.

Mr. Ryan: Miss Reporter, will you mark this document as Board's exhibit next in order, for identification, please.

(Thereupon, the document referred to was marked Board's Exhibit No. 56, for identification.)

Mr. Ryan: I have had marked as Board's Exhibit 56, for identification, what purports to be a letter to Herbert Caffarel, signed by John Gibson, C.E.A. president. It is on the letterhead of Cannon's Employees' Association, Inc., dated June 29, [1012] 1944. I show it to counsel.

Trial Examiner Batten: What date was that?

Mr. Ryan: June 29, 1944.

Q. (By Mr. Ryan): I show you Board's Exhibit 56, for identification, Mr. Caffarel, and ask you if you received that document on or about the date it bears?

A. Yes, I received it from Johnny Gibson.

Q. Where were you?

A. In the foreman's office. In other words, a partition is there like this (indicating). I was standing there and Johnny came up and gave it to me.

(Testimony of Herbert L. Caffarel.)

Q. About what time of day was that?

A. It was around 4:30. It might have been a few minutes after. It was just about that time.

Q. Was anyone present when Mr. Gibson gave you the letter?

A. Rachel McBurnie, Isabel DeBreany, Frank Enna; Frank Enna being the foreman of the second shift of Department 2.

Trial Examiner Batten: Frank who?

The Witness: Enna; E-n-n-a.

Q. (By Mr. Ryan): Was there a conversation there at the time?

A. Yes. Rachel said she had gotten one of them.

Q. You are referring, by one of them, to Board's Exhibit 56, for identification?

A. One of these subpoenas. I tore it in half and threw it [1014] down. Frank picked it up and looked at me. He didn't say anything. He pasted it together and said, "You better keep it."

Mr. Cannon: Who said that?

The Witness: Frank Enna, foreman of the swing shift in Department 2.

Q. (By Mr. Ryan): Board's Exhibit 56, for identification, is pasted together, as though it had previously been torn apart?

A. That is right.

Q. You say this foreman, Frank Enna, pasted it together after you had torn it apart?

A. That is right.

Q. Now, the letter states:

"This is to notify you that you have been accused of the following offense:

(Testimony of Herbert L. Caffarel.)

“Spreading false reports maliciously, which are detrimental to the harmonious relations between members of this association, or between this association and anyone who may have a contract with this association.’

“You will be tried on these charges in the manner provided by our C.E.A. by-laws on Saturday, July 1, 1944.”

I ask you, after you received this document, did you take any action in respect thereto. What did you do after [1014] you got the letter?

A. Well, I went over to Florence Maynard a little later. I had some duties to perform. Lots of times we had to stay until five, lots of times we wouldn't get through with our duties until 5:15.

Q. What duties are you talking about?

A. Preparing the daily report on the incentive plan. The incentive plan was sort of a productive incentive.

Q. What did you have to do with that?

A. I was leadman in the punch press section.

Q. You were a leadman? A. That is right.

Q. How long had you been a leadman?

A. I had been a leadman over two years.

Q. Had you been leadman while you were president of the C.E.A. and treasurer of the C.E.A.?

A. Yes, I was.

Q. This incentive plan you had to make out, did you make that report out every day?

A. Every day we had to make it out.

Q. Just what was that report?

(Testimony of Herbert L. Caffarel.)

A. Well, it was just a copy. The production control—I don't know just how to explain it.

Q. What was the subject matter you put down there?

A. How many hours, how many minutes a fellow worked on a [1015] job, and what-not. We kept the report and we turned it over to the foreman at the end of the shift.

Q. Of the employees in your group, you would make that out on them?

A. That is right.

Mr. Cannon: Did you make it out for all of them?

The Witness: Yes. They had cards with the time elapsed, and time started, and everything else on all the different jobs. The jobs were all named——

Mr. Cannon: I say, did you make it out for all of them?

The Witness: All the employees, yes; we all did.

Mr. Cannon: I mean you yourself made it out for your group?

The Witness: I did, yes.

Trial Examiner Batten: Perhaps I don't understand it. The employees kept some sort of a record themselves, did they, and turned it in to you?

The Witness: No. These cards came from upstairs with the time marked on them. I would stick them on the punch press and these men who worked

(Testimony of Herbert L. Caffarel.)

on the job—and they kept a private record, yes, some of them, and some didn't.

On the end of the shift I would take all of the different cards of all the different jobs and make a written copy of the time and everything else. Then I would turn that [1016] in to the foreman and turn the cards in.

Trial Examiner Batten: In other words, you would make a sort of a compilation of the whole thing upon which the employees' wages were based; is that it?

The Witness: That is right. The whole entire shop worked like that.

Q. (By Mr. Ryan): I guess you were getting around to answering the question I asked you about what you did after you got that letter.

A. I went over to see Florence Maynard.

Q. You went over to see Florence Maynard. Where did you see her?

A. I saw her in the inspection—I mean, in the inspecting office of that department. Each department had an inspector's office.

Q. Is that where she was working at the time?

A. That is where she was working.

Q. Did you have a conversation with her there?

A. Yes. She said——

Mr. Cannon: May I have an objection to this, too, as being hearsay?

Trial Examiner Batten: You may have a continuing objection.

Q. (By Mr. Ryan): Mr. Caffarel, was anyone

(Testimony of Herbert L. Caffarel.)

present other than you and Miss Maynard at the time you had the conversation? [1017]

A. No, it was only Florence and I. She showed me a similar one to this and she said, "Johnny just gave it to me."

Q. That is Board's Exhibit 56, she showed you one like it? A. Yes.

Q. What did you and she say there in that conversation?

A. She didn't say much of anything. She was pretty angry about it.

Q. Did she say anything? Did she say anything that you can recall?

A. No, she berated Franklin and Johnny.

Trial Examiner Batten: Just a minute.

The Witness: I am trying to get——

Trial Examiner Batten: If you recall what was said there, you tell us.

The Witness: No, I can't recall.

Q. (By Mr. Ryan): What you said and what she said. A. No.

Q. You went over there to her? A. Yes.

Q. Did you go over to talk to her?

A. Yes. She said, "Look what I got."

Q. What did you say? You must have had something on your mind to talk to her about.

A. I went over to see if she received one of these. She [1018] said, "Yes, look what Johnny gave me."

I said, "Yes, I have one, too." I pulled it out of my pocket and showed it to her.

(Testimony of Herbert L. Caffarel.)

Q. Did you and she do anything or did you break up and go your separate ways?

A. I can't remember what she said.

Q. I am not asking you now what she said. I am asking you what you and she decided to do, if anything, and what you did do after that?

A. We didn't decide to do anything that afternoon. But several days later, or the very next day Rachel McBurnie contacted me and said she had engaged an attorney by the name of Scott Weller, and she asked me did I want his services. I said yes, I would accept his services.

Trial Examiner Batten: Keep your hand away from your mouth.

The Witness: I would accept his services in conjunction with the other, meaning Florence Maynard.

In the meantime the A.F.L. members of the tool and die room contacted me and asked me did I want Mr. Sokol, their representative, to represent me.

I said, "I will accept him jointly with Mr. Weller."

Then the C.I.O. contacted me and asked me did I want their attorney. I said, "Well, if you will get him for your member, I will accept him, but I won't hire him. I will [1019] accept him in conjunction with the other two attorneys."

Q. Then on July 1, 1944, did you and Florence Maynard and Rachel McBurnie and Arnold Benson—by the way, do you know Arnold Benson?

A. Yes.

(Testimony of Herbert L. Caffarel.)

Q. Did he also receive a letter such as Board's Exhibit 56, about the time you did?

A. Yes.

Q. Those I mentioned and Arnold Benson and Dave Sokol, A.F.L. attorney.

* * * *

Mr. Ryan: May I have the last question?

(The record was read.)

Q. (By Mr. Ryan): And an attorney named Weller. Did you all appear at the C.E.A. office on the morning of July 1, 1944?

A. It was in the afternoon.

Q. Will you tell us what took place at the office? Who was there representing the C.E.A., if anybody?

A. We were all sitting in front of the association office. We were all introduced to the different attorneys. We walked [1020] into the association offices and the entire staff of the Board members was there, and the business agents, and the secretary of the association, and the attorney for the association.

Q. Mr. Herntzinger?

A. That is right; he was there.

Mr. Cannon: I thought Mr. Lewis was the attorney for the C.E.A.

Mr. Ryan: This was in 1944. That was earlier.

Q. (By Mr. Ryan): Mr. Caffarel, will you relate what took place at that meeting, what was said and what was done?

(Testimony of Herbert L. Caffarel.)

A. Mr. Sokol, Mr. Weller, and all of us walked into the office, we all walked in to the C.E.A. office. All the members of the Board were sitting there, and the business agent, and the secretary and Mr. Herntzinger.

Mr. Sokol asked for time to prepare the case and for a bill of particulars, I believe.

Q. By the way, in Board's Exhibit 56 you are asked to appear for a hearing on Saturday, July 1, 1944. Was that why you were going over to the C.E.A. office, in response to Board's Exhibit 56?

A. That is right.

Q. Mr. Sokol and Mr. Weller were representing you and the other people that were to be defended at the hearing; is that right? [1021]

A. That is right.

Q. Will you relate the rest of the conversation that took place there?

A. Mr. Sokol asked Mr. Herntzinger if he was representing the association. He said no, he wasn't there in the capacity of representing the association; he was there in the capacity of informing the association.

The Board members agreed to give us time to prepare a defense. The conversation mostly was between Mr. Sokol and the members of the Board, and the business agents.

Mr. Ryan: Miss Reporter, will you please mark this document as Board's exhibit next in order, for identification.

(Testimony of Herbert L. Caffarel.)

(Thereupon, the document referred to was marked Board's Exhibit 57, for identification.)

Mr. Ryan: I have had marked as Board's Exhibit 57, for identification, a document entitled "Notice" and signed John A. Gibson and attached thereto is a four-page document which begins:

"To the Executive Board of the Cannon Employees' Association, Inc.:

"Members of the Cannon Employees' Association, Inc., do by these presents make the following charges and complaints against the following members of the Cannon Employees' Association, Inc., to-wit:

"Herbert Caffarel, Florence Maynard, Lee Lawhon, [1022] Rachel McBurnie, and Arnold Benson."

Mr. Cannon: I will stipulate the matter was heard. Subject to the other objection that it is hearsay, I have no objection to its going in.

Trial Examiner Batten: That is the same document as Board's Exhibit 49?

Mr. Ryan: With respect to one page. It refers particularly to this witness, Mr. Examiner. I offer it in evidence as Board's Exhibit 57, for identification. It contains one page of the other document.

Trial Examiner Batten: There being no objection, it will be received.

(Thereupon, the document heretofore marked Board's Exhibit No. 57, for identification, was received in evidence.)

(Testimony of Herbert L. Caffarel.)

Mr. Ryan: Will you stipulate further it was served on this witness?

Mr. Cannon: Yes.

Q. (By Mr. Ryan): Mr. Caffarel, pursuant to the receipt of this notice and complaint, which is Board's Exhibit 57, you received that after your July 1st meeting with the C.E.A. when your attorney asked for a bill of particulars and a delay?

A. That is right.

Q. Then on the 15th of July you were called in for a hearing; [1023] isn't that right?

A. Yes, at the Wednesday morning breakfast club.

Q. A trial took place before the Board of Directors of the C.E.A.?

A. Yes.

Q. You and Florence Maynard and Rachel McBurnie appeared there with your attorneys, David Sokol and Weller?

A. Yes. As to Arnold Benson, the charges had been dropped.

Q. The trial took place on two succeeding Saturdays beginning July 15, 1944; isn't that right?

A. Yes.

Q. How long did the trial last, Mr. Caffarel, each day?

A. The trial started about 12:00 o'clock the first Saturday and lasted until about five. And the second Saturday it started about the same time and it ended about, a little earlier, possibly about four or four-ten, somewheres around there.

Q. I ask you if at that time the members of the Board of Directors of the C.E.A. were Johnny Gibson, president,—

(Testimony of Herbert L. Caffarel.)

A. Johnny Gibson, president.

Q. —Harry Grady, vice-president—

A. That is right.

Q. And Al Tuttle, secretary?

A. That is right.

Q. Maynard O'Brien, treasurer? [1024]

A. That is right.

Q. Lou Finley, director? A. That is right.

Q. Jim Barton, director?

A. That is right.

Q. Don Schloeder?

A. That is right.

Q. And Richard Franklin was business manager; is that right? A. Yes.

Q. Were those persons all present at the trial during the two days you were there?

A. Yes, they were all there.

Q. The Board of Directors sat as the jury in the case? A. All except Johnny Gibson.

Trial Examiner Batten: When you say "all except Johnny Gibson," does that include Franklin?

The Witness: No, the Executive Board sat in as jurors. Franklin is not in an executive capacity. Franklin is the business agent. He is not in an executive capacity of the association, Executive Board. The Executive Board were the jurors.

Q. (By Mr. Ryan): You are talking about the Board of Directors of the C.E.A.?

A. That is right, all except Johnny Gibson. [1025]

(Testimony of Herbert L. Caffarel.)

Q. At that time, to your knowledge, how many of the persons named on that Board of Directors were working on the day shift?

A. Johnny Gibson, Harry Grady, Jimmy Barton, Maynard O'Brien, Al Tuttle, Don Schloeder, and Lou Finley was on the swing shift in the die cast.

* * * *

Q. (By Mr. Ryan): Now, at the conclusion of the trial or the hearing, did you receive any notification from anyone as to the verdict in regard to yourself and McBurnie and Maynard?

A. Well, after the Board members went into the chamber and then came back with the verdict it was read off by Mr. Grady.

Q. Right in the hearing room? [1026]

A. Right in the hearing room, that is right.

Q. At the end of the second day's session; is that right?

A. Yes. Florence Maynard was found guilty as charged—not by a majority. And Rachel McBurnie was exonerated. I was found guilty by the majority of the Board.

Q. You and Florence Maynard were found guilty? A. That is right.

Q. Thereafter, did you continue to work for the company for a period?

A. Yes, I worked for the company, I think, several weeks later.

Trial Examiner Batten: You say several weeks?

The Witness: Yes. In other words, I continued

(Testimony of Herbert L. Caffarel.)

in the employ of the company after the verdict of the members of the Board.

Q. (By Mr. Ryan): Well, the trial began on the 15th and ended a week later, the following Saturday, and you were discharged, weren't you, on the 29th? So you didn't work very long.

Anyway, in the time that you did work after the end of the trial, Mr. Caffarel, did you have a conversation with your foreman about the middle of the week following your trial?

A. Yes. Mr. Weber told me that the company had decided to let me go, he understood the company had decided to let me go. [1027] He was going to let me work until Saturday, to complete the week, so when Saturday came, about 11:30, I went up to him. I said, "Bob, how are the chances of checking in any tools and preparing anything while the whole force is here, before they go home."

He said, "That is all right."

I checked my tools in and everything. He said, "Take this slip, dismissal slip, and take it over to Mr. Hawkinson."

So I went in to see Mr. Hawkinson and he wasn't in the office. I started out toward Mr. Wilcox's office in the front building. I met Mr. Wilcox coming down the aisle toward Mr. Hawkinson's office.

We stopped and had a conversation. I told him what I wanted to see Mr. Hawkinson about. He said, "Let's go in the office here."

Q. What did you tell him you wanted to see him about? What did you say?

(Testimony of Herbert L. Caffarel.)

A. I said I wanted to see Mr. Hawkinson about my discharge, getting my check and a clearance, and availability slip.

Trial Examiner Batten: It is twelve o'clock. Have you completed your answer? Have you finished the conversation?

The Witness: No. We walked in to Mr. Hawkinson's office, and Mr. Wilcox informed me that according to Section VIII of the by-laws of the association, why, he had to abide [1028] by them and let me go, and that if I would come in the front office with him, he would give me all the discharge instruments. Then when we got there Florence Maynard was in Mr. Wilcox's office. So Mr. Wilcox was seated, and I sat down. She asked him for the same thing I did.

Q. (By Mr. Ryan): What did she say?

A. She said, "I want my availability slip and my check and everything."

Mr. Wilcox said, "I am certainly sorry to see you two people go." And then he gave us the check and what-not, and we left.

Then a week later I had to go back for another check, a bonus check that the leadman got in their respective position. I went back three or four days later and contacted Mr. Wilcox, and I got the check and left. And that is all. I haven't been back since. [1029]

Q. (By Mr. Ryan): Now, Mr. Caffarel, it has already been testified, I believe, that your job as

(Testimony of Herbert L. Caffarel.)

treasurer of the C.E.A. terminated about the latter part of 1943? There was a new election and you were defeated? A. Yes.

Q. I ask you if about several weeks before you were voted out of office, as it were, in the latter part of 1943—strike that question.

While you were on the Board of Directors in the C.E.A. a man named Lewis was attorney for the C.E.A., isn't that right?

A. Yes, that is right.

Q. He was removed from that job during the time you were on the Board of Directors; isn't that correct? [1030]

A. Yes, he was voted out by the Board members.

Q. Would you tell us approximately when it was that he was terminated as an attorney for the C.E.A.?

A. At a meeting of the association's office.

Q. A meeting?

A. Yes. The conversation was brought up by Richard Franklin.

Trial Examiner Batten: When was this?

The Witness: That was prior to the time of my defeat in 1943.

Q. (By Mr. Ryan): Well, we have established, I believe, that Franklin became business agent about March, 1943. With reference to that particular date, can you fix an approximate time?

A. A short time after that.

Q. After Franklin became business agent?

A. Yes.

(Testimony of Herbert L. Caffarel.)

Q. Within a few weeks?

A. That is right. Johnny Gibson and Franklin started the campaign to rid themselves of Joe—rid the association of Joe Lewis' services.

Q. You had a meeting, I take it, that is, the Board of Directors, to take up the question of removing this Lewis as attorney; isn't that right?

A. That is right. [1031]

Q. A few weeks before you had this meeting, to take up the question to oust him, did you have a conversation up in Jim Cannon's office, with Mr. Jim Cannon, relative to Joe Lewis?

A. I had a conversation with Mr. Cannon in his office some weeks prior to that. Mr. Cannon told me that he didn't approve of Mr. Lewis being the association's attorney because—that is, because the employees were paying him out of their wages, money for his services.

Mr. Cannon: Paying him for——

The Witness: In other words, paying money out of their salaries, their wages.

Q. (By Mr. Ryan): Lewis was being paid a retainer fee for so much a month?

A. That is right, \$100.00 a month.

Q. After you had that conversation with Mr. Cannon, have you related all you can remember of it, by the way?

A. Yes, that is about all I can remember of it.

Q. A few weeks later you had a Board of Directors' meeting. Where did the meeting take place?

A. It took place at the association's office.

(Testimony of Herbert L. Caffarel.)

Q. The Board of Directors were present; were they? A. Yes, they were present.

Q. Was a motion made on the question of Lewis?

A. Yes, a motion was made to oust Joe Lewis. And Johnny [1032] Gibson, Margaret Grady, Florence Maynard, also.

Q. I just want to know if the motion was made?

A. Yes, a motion was made by Johnny Gibson.

Q. Was a vote taken on that?

A. A vote was taken.

Q. What was the result with respect to the question of whether Lewis was to be retained or ousted?

A. Well, there was a concerted effort made by Johnny Gibson to remove Joe Lewis as the attorney.

Q. It was voted on, and what was the result?

A. The result was that five voted to oust him and two voted to retain him. Jim Nolan and myself voted to retain him.

Q. Did you vote to retain him because you wanted Lewis retained, you thought he was a good lawyer, I mean? Just why did you vote to retain him?

A. Yes, I thought he would be all right from having so much experience with the association previously; he had been connected with it. [1033]

* * * *

Cross-Examination

* * * *

Q. I want to get a few dates here clearly in mind. When was it you first became a member of the C.E.A. or the Cannon Employees' Recreation Association? First, you became a member of the

(Testimony of Herbert L. Caffarel.)

Cannon Employees' Recreation Association; didn't you? A. Yes, that is right.

Q. When was that? [1040]

A. That was the time that Ned Mandella was signing them up in the tool crib window.

Q. Approximately what date was that?

A. I don't know what date.

Q. January or February in 1941, Mr. Ryan reminded you as to the testimony of George on your direct examination. I think you said it was some time about January or February, 1941. I want to get the dates here.

A. I don't remember the date, but that is when it was.

Q. All right. Now, then, prior to that you had been approached by C.I.O., hadn't you?

A. No.

Q. You said that the Mandella talk with you came after the C.I.O. began their operations; is that correct?

A. That is right. The C.I.O. actually began that small operation in Plant No. 1 before we were transferred to Plant No. 2.

Q. The C.I.O. began its operations before Mandella ever approached you on the C.E.A. or the C.E.R.?

A. Yes, that is right.

Q. When was it that the C.I.O. asked you to become one of their solicitors?

A. Well, they asked me to join the C.I.O. on several occasions, many occasions.

(Testimony of Herbert L. Caffarel.)

Q. When was the first time? [1041]

A. The first time was after Mandella started his operations at the recreation club.

Q. Now, that is, the C.I.O. contacted you to assist them; is that right?

A. Well, no, not to assist them. They asked me to join the C.I.O.

Q. I am using your language you used this morning. You said you were asked by C.E.R.A. to assist them. "And I was also contacted by C.I.O., to assist them."

A. Well, what I mean by that is that if I would join the C.I.O., that I would be an assistant of them, like the opposition.

Q. I see. By using the words "assist C.I.O." you merely meant they asked you to join; is that right?

A. That is right, at the time.

Q. When was that they asked you to join?

A. Shortly after I joined the Cannon Employees Recreation Association.

Q. And that would be shortly after January or February, 1941?

A. That would be shortly after the inception of the Cannon Employees Recreation Association.

Q. All right. I say, would that be in January or February, 1941?

A. I can't fix the date definitely. [1042]

Q. Well, who contacted you for C.I.O.?

A. Several of them. Gus Palm.

Q. I want the first one.

A. Gus Palm was the first one.

(Testimony of Herbert L. Caffarel.)

Q. Where? A. In Department 2.

Q. During working hours?

A. During working hours.

Q. What did you tell him?

A. I told him that I didn't like the C.I.O.

Q. What else? Give me the rest of the conversation, what this man Palm said to you and what you said to him.

A. Well, he says, "Here, Doc, sign a card."

I said, "No, I don't like the C.I.O." I said, "I am satisfied with Ned Mandella."

He says, "Well," he says,—then he started to give me a talk about how good the C.I.O. was, and everything else. [1043]

Q. Tell me what he said.

A. He said, "If you join the C.I.O. you get protection." It wasn't much of a conversation. Then I waved my hand and walked away.

Q. He said you would get, among other things, protection? A. Yes, that is right.

Q. Did he say protection from what?

A. He said labor protection.

Q. What else did he say?

A. That is all I can remember.

Q. Where were you standing when that conversation was had? A. In Department 2.

Q. That is where you were working?

A. That is right.

Q. At your machine? A. That is right.

Q. Where was this man Palm standing?

A. There was activity in the department, when

(Testimony of Herbert L. Caffarel.)

you work, you change positions. You don't stay in the same position.

Q. It was during the shift; was it?

A. That is right.

Q. Who next contacted you for C.I.O.?

A. I had quite a few of them to try to talk me into the C.I.O.

Q. Give me the next one you remember. [1044]

A. Cliff St. Clair tried many times.

Q. Many times?

A. He was right next to me on the milling machine.

Q. Was it during his operations he was talking to you about it? A. Yes, that is right.

Q. And during your operations, too?

A. Yes.

Q. During your shift time?

A. That is right.

Q. Give me any conversation you can remember you had with this fellow Cliff St. Clair?

A. I can't remember that conversation.

Q. Can't you give me anything about it?

A. Just the same line of talk. I can't relate word for word.

Q. I know you can't do that. You remember he wanted you to sign a card for the C.I.O.; is that right? A. Yes.

Q. He told you you would get labor protection?

A. That is right.

Q. Was there anything else he told you about the advantages of the C.I.O.?

(Testimony of Herbert L. Caffarel.)

A. I don't remeber.

Q. Who was the next man or another man you talked to that [1045] contacted you on C.I.O.?

A. I can't remember the names.

Q. You said you were contacted by a number of men. Are those the only two you can remember?

A. Yes.

Q. Now, over how long a period were these solicitations made of you to join the C.I.O.?

A. Periodically.

Q. Over how long a period?

A. Up until the time of the first election.

Q. Up until September 9, 1941? A. Yes.

Q. All right. Now, after September 9, 1941, who, if anyone, contacted you about joining the C.I.O.?

A. No one.

Q. No one at all? A. No.

Q. How is that?

A. You mean after September 9, 1941?

Q. Yes. A. That was after the election.

Q. I know it. Didn't anybody contact you between the first election and the second election about joining the C.I.O.?

A. Between the first election between C.I.O. and V.E.A. [1046] and the second election between the C.I.O. and C.E.A.?

Q. Yes. A. No, I don't think so.

Q. Let me see if I can refresh your recollection about that. You say this fellow Franklin became kind of a publicity man for the C.E.A.; is that right?

A. Yes.

(Testimony of Herbert L. Caffarel.)

Q. Franklin wrote a lot of the literature in connection with that campaign between C.E.A. and C.I.O., on the second election; didn't he?

A. That is right.

Q. So you have that period quite definitely in mind now, do you? You have in mind, do you, that period when that campaign was going on?

A. Yes. It was in December, 1942.

Q. And part of November, wasn't it, in 1942?

Mr. Ryan: What was in 1942?

Mr. Cannon: The campaign.

The Witness: The election was in 1943, January.

Q. (By Mr. Cannon): I am coming to that. The campaign for the election ran in November?

A. Sometime up to the time of the election.

Q. During that period did anybody ask you about joining the C.I.O.?

A. No, I don't think so.

Q. Did you see anybody around the plant or in the plant soliciting for members for the C.I.O.?

Mr. Ryan: I am going to ask for the time and place.

Mr. Cannon: If he tells me he did or didn't I will tie him down.

Q. (By Mr. Cannon): Did you at any time?

A. Did I notice the C.I.O. organizing in the plant?

Q. Yes. Before the election?

A. Well, there was the same amount of activity there was in the prior election.

Q. There was the same amount of activity?

(Testimony of Herbert L. Caffarel.)

A. Yes, on both unions.

Q. Both unions were in there on company time soliciting members, weren't they, prior to the second election?

A. As the Trial Examiner stated before, there is no use kidding ourselves.

Q. I know, but that is true, isn't it? You remember that?

A. Yes, that is true; sure, both of them.

Q. Mr. Cafferel, did you think when you were appointed or elected on that grievance committee that the election under which you were elected to the grievance committee was a fair election? [1048]

* * * *

Q. In any event, after Mr. Franklin became the publicity man in November or December, 1942, you were a member of the Board of Directors of the C.E.A. clear up to the time when he was voted in as the business agent in March, 1943; weren't [1061] you? A. That is right.

Q. What office did you hold with the C.E.A. during that period?

A. When he was voted in as business agent?

Q. No. Between November, 1942 and March, 1943, what office did you hold?

A. Presidency.

Q. You then were acquainted with the publicity Mr. Franklin was getting out at that time; weren't you? A. With the leaflet, yes sir.

Q. You had read them all; hadn't you?

A. That is right.

(Testimony of Herbert L. Caffarel.)

Q. And approved them? A. That is right.

Q. Now, tell me what it was that first made you adverse to Mr. Franklin.

A. Well, Florence Maynard was the president at the time he became editor of this paper, and I was the treasurer.

Q. Just a minute, now. Then you did become, you were still friendly with him until you were defeated, is that right, for president?

A. Yes, that is right.

Q. Go ahead.

A. Oh, I didn't particularly like the line of attack in [1062] this paper.

Q. Tell me in what particular.

A. Well, I can't just exactly tell you. Things I could see that I just can't explain at the time.

Q. How did it differ from the line of attack he used prior to March?

A. This is the main reason why I became adverse to his method:—not necessarily adverse to him, but his method—he would control the Association through the News. [1063]

* * * *

(Thereupon, the document referred to was marked as Respondent's Exhibit 2, for identification.) [1067]

Mr. Cannon: I will hand this document to counsel, marked Respondent's Exhibit No. 2 for identification.

Q. (By Mr. Cannon): I ask you if you are

(Testimony of Herbert L. Caffarel.)

acquainted with the signature of Florence Maynard on there, as president? It being dated June 9, 1943.

A. I don't remember this at all.

Q. Is that her signature (indicating)?

A. That seems to be, yes.

Q. Is that the signature of John A. Gibson (indicating)?

A. Yes, it looks like it is.

Q. Let me see if I can refresh your recollection from it. By the way, you were a member of the board of directors at that time, weren't you, on June 9, 1943?

A. I think I was.

Q. Now, reading this: "This is to inform you that the Cannon Employees' Association has fairly tried the following named persons for various infractions of our by-laws, found them guilty, and duly expelled them from membership in this organization: Louis Tournie, Vivian Sullivan, Monna M. Nye, Joan Lawrence, Donald M. McClellan, William Youngberg and Erma A. Evenstead. As an additional cause for action these persons were also expelled for non-payment of dues along with Ada Lish, Eloise Hunt and Bernard Mackey." Do you remember that?

A. No, I don't remember that. I am under the impression [1068] that the grievance committee of the Association discharged those people. I really don't remember of that at all.

Mr. Cannon: I see. I will offer it in evidence.

Mr. Ryan: No objection.

Trial Examiner Batten: It will be received.

(Testimony of Herbert L. Caffarel.)

(Thereupon, the document heretofore marked as Respondents' Exhibit 2, for identification, was received in evidence.) [1069]

[Printer's Note]: Respondents' Exhibit No. 2 is set out in full at page 707 of this printed Record.

* * * *

Q. (By Mr. Cannon): I want to get this again. You were a director, you were first elected a director of Cannon Employees Recreation Association or Cannon Employees' Association? When were you first elected to the board of directors?

A. That was in the latter part of 1942.

Q. That is when you first became a director?

A. That is right.

Q. How long did you continue as a director?

A. I continued as director until 1943.

Q. What time?

A. In the latter part of the year, I believe.

Q. During the whole of that time you were an officer, too, besides a director? A. Yes.

Q. You were either president or treasurer?

A. Treasurer. [1070]

* * * *

Q. In every instance I think you mentioned, when you left to go to do your banking or the C.E.A. offices, you would always speak to your foreman when you left; wouldn't you?

A. Yes, I always told him when I was going.

Q. Do you remember an occasion or two when the foreman raised some fuss about going so often?

(Testimony of Herbert L. Caffarel.)

A. No, I don't. [1076]

* * * *

Q. When you had gone out of the plant you testified this morning, while you were a director or officer of this Cannon Employees' Association, did you on all of those occasions feel it was necessary to do that to carry on the business of the Association? A. Going to the bank? Yes.

Q. And the other times you left there and went to the Association's office? A. Yes.

Q. In other words, you never did go out of there and wander around on your own personal business; did you?

A. No, not that I know of. [1077]

* * * *

Redirect Examination

* * * *

Mr. Ryan: Miss Reporter, will you please mark these documents as Board's exhibits next in order for identification?

(Thereupon, the documents referred to were marked as Board's Exhibits 58 and 59, for identification.)

Mr. Ryan: I have had marked for identification Board's Exhibits 58 and 59 for identification, two documents. Board's Exhibit 58 is entitled "To My Fellow Employees," and purports to bear the signature of Florence K. Maynard.

Board's Exhibit 59——

Mr. Cannon: Is there a date on that?

Mr. Ryan: There is no date on the document.

(Testimony of Herbert L. Caffarel.)

It refers to the fact, and I quote, "Saturday, July 1, 1944 I am to be tried in the manner required by the C.E.A. by-laws. I am accused of the following offense:"

Board's Exhibit 59 is entitled "Special C.E.A. Bulletin, from the board of directors." Across the bottom are the words, "We have just begun to fight." [1080]

Trial Examiner Batten: Is there a date on that latter one, Mr. Ryan?

Mr. Ryan: The latter one, likewise, does not bear a date, but the subject matter would indicate the time it was put out in relation to the testimony of this witness.

Q. (By Mr. Ryan): I show you Board's Exhibit 59, Mr. Caffarel, for identification, and ask you if you know whether or not Florence Maynard caused that to be published? A. Yes.

Q. Where did you see it, first?

A. Well, I went to the plant—

Mr. Cannon: I can't hear you.

The Witness: The morning I went to work I immediately heard that she had posted something on the board that previous evening. I asked her about it. That is, when she came to work. She said yes.

I said, "I would like to see it."

She said, "I will give you a copy of it," so she gave me a copy.

Q. (By Mr. Ryan): This is the copy she gave you? A. This is the copy she gave me.

(Testimony of Herbert L. Caffarel.)

Q. I ask if that was within a few days after she received the letter from Mr. John Gibson of the C.E.A., which was dated the 29th of June, which is in evidence as Board's Exhibit 56, notifying you you would be tried on July 1st? [1081]

A. Yes, that was immediately after.

Q. After you got this letter of June 29th?

A. That is right.

Q. I believe you testified she also got a letter identical with that letter of June 29th?

A. Yes.

Q. Now, I show you Board's Exhibit 59, Mr. Caffarel, and ask you if you have seen that before.

A. Yes.

Q. Where did you see it first?

A. I saw that at the gate.

Trial Examiner Batten: At the gate, you say?

The Witness: Yes, outside the plant.

Q. (By Mr. Ryan): Was it being distributed to the employees? A. Yes, it was.

Q. Copies such as that (indicating)?

A. Yes, such copies as that were being distributed as leaflets.

Q. Was that in connection with the matters that you and Florence Maynard were involved in, that led up to this trial of July 15, 1944?

A. Yes.

Q. It was being distributed there by representatives of the C.E.A.?

A. Of the C.E.A., that is right. [1082]

(Testimony of Herbert L. Caffarel.)

Mr. Cannon: About what date would that be, Mr. Ryan?

Mr. Ryan: It would be just prior to July 15th, some time prior to July 15, 1944.

Mr. Cannon: Thank you.

Q. (By Mr. Ryan): Is that right?

A. That is right, yes.

Mr. Ryan: I offer Board's Exhibits 58 and 59 in evidence.

Mr. Cannon: No objection.

Trial Examiner Batten: They will be received.

(Thereupon, the documents heretofore marked as Board's Exhibits 58 and 59, for identification, were received in evidence.)

[Printer's Note]: Board's Exhibit No. 58 is set out in full at page 702 of this printed Record.

Mr. Ryan: I have no further questions.

Recross Examination

Q. (By Mr. Cannon): Calling your attention to this Board's Exhibit 58, where Florence Maynard says, "To me, personally, the loss of my job here at Cannon's would not be a hardship, since I had, before receipt of this letter, tendered my resignation to the company for other reasons."

You knew she had already resigned then; didn't you?

A. No, I didn't know anything about that. I didn't know what she had in mind when she wrote it.

Q. She told you she wrote this herself?

A. Yes. [1083]

Q. That is one of those dischargee cases. By the way, did she tell you what the other reasons were she spoke of? A. No.

Mr. Ryan: Does the company have that letter?

Mr. Cannon: We don't have it. This is new to me. I have a mass of stuff I am going to try to dig out over the week end.

Mr. Ryan: I have no further questions, other than to ask the company to produce her letter.

Trial Examiner Batten: I think Mr. Cannon is going to search and see if it can be found.

Mr. Cannon: I will ask them to do so down at the plant. [1084]

* * * *

Mr. Cannon: I have no other questions. If we have a [1085] letter referred to in Board's Exhibit 58 about where she had already resigned we will produce it if we can. [1086]

* * * *

JOHN ALBERT GIBSON,

a witness called by and on behalf of the National Labor Relations Board, being first duly sworn, was examined and testified as follows:

Direct Examination

Q. (By Mr. Ryan): Will you state your full name, please, Mr. Gibson?

A. John Albert Gibson.

Q. What is your address?

A. 3328 Hamilton Way.

Q. Here in Los Angeles? A. Yes.

Q. Mr. Gibson, were you ever employed by

(Testimony of John Albert Gibson.)

Cannon Manufacturing Corporation? Have you been employed by that company? [1091]

A. Yes.

Q. You are now employed; is that right?

A. That is right.

Q. When did you begin your employment with that company, approximately?

A. March 10, 1941.

Q. What is your capacity now?

A. Electrician.

Q. About how long have you held that job, that same job? A. Electrician?

Q. Yes.

A. Oh, approximately three years.

Trial Examiner Batten: Are you assigned to maintenance work?

The Witness: That is right, yes, sir.

Q. (By Mr. Ryan): Mr. Gibson, you have been an officer and member of the board of directors of the Cannon Employees' Association?

A. Yes.

Q. When did you first become a member of the Board of Directors of the C.E.A., as best you can recall?

A. I don't recall the exact date. I believe it was in the early part of '42.

Mr. Cannon: Is this a director, you say?

Mr. Ryan: I say a member of the board of directors. [1092]

The Witness: Yes, I believe it was in the early part of '42.

(Testimony of John Albert Gibson.)

Q. (By Mr. Ryan): In addition to becoming a member of the board of directors then, did you hold an office, also? A. Yes.

Q. What was the office? A. President.

Q. President of the C.E.A.? A. Yes.

Q. How long did you continue to be president?

A. Approximately a year and a half.

Q. Did I understand you to say it was about 1942 that you became president?

A. No. That is when I became a board member.

Q. But you became president in 1944; isn't that right? A. That is right.

Q. About the beginning of 1944? A. Yes.

Q. By the way, how many elections were held during the time that you were—beginning with the first election that you participated in to get to be a member of the board of directors of the C.E.A., up to just recently? How many elections were held, approximately, for the various positions on this C.E.A.? [1093]

* * * *

The Witness: Well, we had an election early in '43. We had an election in '44—no. Then we had another election in '44—no. Then we had another election in about March of '43.

Q. (By Mr. Ryan): Then you also had an election about the middle of 1944; did you?

A. That is right.

Q. About July, 1944?

A. Yes, that is right.

(Testimony of John Albert Gibson.)

Q. Were all those elections, to your knowledge, held in the cafeteria?

A. That is right, as specified in our contract.

Q. What other office have you held, Mr. Gibson, besides the office of president?

A. I was secretary previous to that. [1094]

* * * *

Q. Mr. Gibson, while you were on the board of directors I ask you if you had an arrangement with the company which allowed you to take time off from work during working hours for a certain amount of time each day that you found it necessary to take care of Association affairs, without losing your wages?

A. Well, the reason that came about the company objected very strenuously to officials of the Association running around, supposedly on union activity. They insisted it could be confined to one man, namely, the chairman of the board of directors, which was myself. So we worked it out with Mr. Hawkinson, that I should be allowed so much time each day; not to be taken unless it was of an absolute necessity, for union business [1097]

Trial Examiner Batten: How much time was that?

The Witness: It wasn't to run over two hours in any one day.

Trial Examiner Batten: If it was necessary.

The Witness: That is right.

Q. (By Mr. Ryan): When was that arrangement made, approximately?

(Testimony of John Albert Gibson.)

A. I can't recall offhand. I imagine about the latter part of '44.

Q. Thereafter, after the arrangement was made, did you have occasion to go off on business for the Association on occasions during your working hours? A. That is right.

Q. On an average of about how often would that happen in a week, would you say, on an average.

A. Oh, I would say some weeks it would probably happen four or five days out of the week.

Q. Now, on those occasions, Mr. Gibson, would you check out when you left the plant? I mean clock out? A. No.

Q. After you would take care of your business, would you return to the job?

A. Yes, I returned to the job. You had to get your foreman's permission before you were allowed to leave the plant.

Q. You would do that and leave the plant on Association [1098] business?

A. That is right.

Q. When you returned to the plant you would return to your job then? A. Yes.

Q. In the department? A. Yes.

Q. Did you ever receive any deductions from wages for that time spent away?

A. Yes, there were occasions we spent away from the plant——

Q. I mean this particular arrangement of you personally, when you would go away on this Association business.

(Testimony of John Albert Gibson.)

A. No, that was stipulated in our contract, too, we should be allowed a little time to take care of the Association business during working hours.

Q. Pursuant to that, did you and other directors take time off from work for Association business, without losing wages?

A. We have on occasions, that is right.

Q. Has that continued right up until recently? I mean by recently up until about two months ago?

A. It continued up until the time the Association was disestablished.

Q. About when was that?

A. I can't recall the exact date on it. [1099]

Q. The approximate time, Mr. Gibson.

A. It was sometime in April.

Q. In this year? A. Yes.

Q. You took some steps to disestablish the Association? A. That is right.

Trial Examiner Batten: Did the respondents take any steps at the time of the disestablishment? Did the companies do anything?

The Witness: It was voted on by the members.

Trial Examiner Batten: I am not talking about the Association. I am asking did the company take any steps that you know of.

The Witness: No; I don't personally think it was any of their business.

Trial Examiner Batten: I asked whether the company did take any steps of any kind, that you know of.

The Witness: No.

(Testimony of John Albert Gibson.)

Mr. Cannon: You mean the Cannon Manufacturing and Cannon Electric?

Trial Examiner Batten: That is right.

Mr. Cannon: I wanted to be sure he knew what you were talking about.

Trial Examiner Batten: I thought you understood when I said respondents and companies that I meant the Cannon [1100] Electric Development Company and Cannon Manufacturing Corporation.

The Witness: Yes.

Q. (By Mr. Ryan): Mr. Gibson, I show you Board's Exhibit 29. Is this the contract between the company and the C.E.A.?

A. That is right.

Q. In that contract is a provision relative to directors, board of directors taking time off for Association business; is that right?

Mr. Cannon: Page 12.

Q. (By Mr. Ryan): Is that page 12?

A. Yes.

Q. That is Section X on page 12.

A. (Reading): "The company agrees that any member of the board of directors and the Association business representatives shall upon approval of the management have the privilege of appearing on or leaving company property during working hours when such appearance is necessary to carry on the business of the Association."

Q. Pursuant to that, the board of directors did, from time to time, take time off without loss of pay?

A. That is right.

(Testimony of John Albert Gibson.)

Q. I believe there is a paragraph of that contract also relative to the provision of bulletin boards for the C.E.A.'s use. The management was to provide bulletin boards? [1101]

A. That is right.

Q. Did they provide bulletin boards pursuant to that provision? A. Yes.

Q. Were the bulletin boards located at the plant, at various places in the plant? A. Yes.

Q. Mr. Gibson, while you were an officer of the C.E.A., did the C.E.A. sponsor social affairs from time to time? A. Yes.

Q. In addition to the existence of the Cannon Employees' Association in the plant, at least since 1942, there has been an organization known as Cannon Recreation Club; isn't that right.

A. That is right.

Q. Now, from time to time have social affairs been jointly sponsored by the C.E.A. and the Cannon Recreation Club?

A. Yes. The reason for that was it was the wish of the members we have dances more often than what we had been having in the past. And we felt the Association couldn't afford it on its own. On the help of the Recreation Club we gave it to them practically monthly.

Q. That would mean that prior to 1942 you hadn't been having affairs as frequently as since then. A. That is right. [1102]

Q. Since 1942, up to the time you say you dissolved the C.E.A., did you continue to cooperate

(Testimony of John Albert Gibson.)

with the Recreation Club in the sponsoring of social affairs and dances? A. Yes.

Q. In addition to monthly dances, what other social affairs would you have?

Mr. Cannon: What is it?

Mr. Ryan: What other social affairs would they have.

The Witness: We had our picnics.

Q. (By Mr. Ryan): July 4th picnics?

A. Yes. We had our baseball games.

Q. Did you stage a carnival on occasions?

A. Yes, that was similar to a picnic, though.

Q. What was the arrangement between the C.E.A. and the Recreation Club as to the handling of the expenses?

A. Each one would keep track of the amount of money they spent, and after the affair was over, they would figure up how much each party owed.

Q. Was the expense let on proportionate basis?

A. 50-50.

Q. 50-50? A. Yes.

Q. During the time that you were an officer of the Association, who was the head of this Cannon Recreation Club? A. Cal Cannon. [1103]

Q. Cal Cannon? A. Yes.

Q. I understand that he is not now head of that club; is that right?

A. No, he is no longer in charge of the cafeteria.

Q. Approximately when did he leave that job?

A. We had numerous complaints from the em-

(Testimony of John Albert Gibson.)

ployees in the plant about the situation in the cafeteria——

Q. Mr. Gibson, I am not interested particularly in the qualifications of Cal Cannon.

A. You asked me when he left. I was going to tell you what led up to his leaving.

Trial Examiner Batten: The question is: When did he leave?

The Witness: I don't know the approximate date; I don't recall.

Q. (By Mr. Ryan): Would you say it was about six months ago or three months ago or two months ago?

A. It was over six months ago.

Trial Examiner Batten: You jointly sponsored some of these affairs? I want to see if I understand you correctly. You each would bear part of the expense; is that correct?

The Witness: That is right.

Trial Examiner Batten: Then when the affair was over, out of the proceeds of that affair, if there were any, you [1104] would each take first the amount each had spent.

The Witness: That is right.

Trial Examiner Batten: If there was any profit, how was that divided? How was that divided, 50-50?

The Witness: There was no profit in that. They were given strictly for the employees.

Trial Examiner Batten: Wasn't there any in the carnival?

(Testimony of John Albert Gibson.)

The Witness: No, it was a carnival of fun, not a game you participated in.

Trial Examiner Batten: Did you put the money in 50-50, or how?

The Witness: On occasions if we hired the hall, we paid for the hall. If we hired the orchestra, we paid for the orchestra. If it came out we had put out more than we had, they, in turn reimbursed us. If they paid out more than we did, we reimbursed them.

Trial Examiner Batten: In other words, when the thing was finally checked up, you each paid half the cost; is that right?

The Witness: That is right. [1105]

* * * *

Mr. Ryan: Mr. Examiner, I have no further witnesses, with the exception, of course, if this man who has just left the stand finds something I will put him back on possibly.

I now have a few more exhibits which I believe counsel will stipulate to, which I have had already marked.

Board's Exhibit 62-A for identification is a copy of a letter from Carl Brant, field organizer, to James H. Cannon, Cannon Electric Development and Cannon Manufacturing Corporation, 3209 Humboldt Street, Los Angeles, California;

Board's Exhibit 62-B for identification is the reply to that letter from James H. Cannon, under date of May 26, 1941.

I ask counsel to stipulate that Board's Exhibit

62-A is a copy of a letter received by Mr. James H. Cannon.

Mr. Cannon: I am sure it is.

Mr. Ryan: From the party named? And that Board's Exhibit 62-B for identification is Mr. Cannon's reply thereto.

Mr. Cannon: So stipulated.

Mr. Ryan: I offer Board's Exhibits 62-A and 62-B in [1200] evidence.

Trial Examiner Batten: They will be received.

(The documents heretofore marked as Board's Exhibits Nos. 62-A and 62-B, for identification, were received in evidence.)

[Printer's Note]: Board's Exhibits Nos. 62-A and 62-B are set out in full at pages 704-705 of this printed Record.

* * * *

[1201]

Trial Examiner Batten: I think we are ready to proceed. Mr. Ryan, have you looked up those matters in connection with those "R" proceedings?

Mr. Ryan: Yes, I have the formal papers on one of them, and the only formal papers in the first "R" proceeding as a result of the first election that I can find in the file was the petition——

Mr. Cannon: Pardon me, what is the number of that, Mr. Ryan—R-1354?

Mr. Ryan: Yes, that is the original one, I believe, and the second——

Trial Examiner Batten: Well, in that first one weren't there objections filed?

Mr. Ryan: If there were, I don't know what

happened to them, because the file didn't contain them.

Trial Examiner Batten: Does the file indicate that objections were filed?

Mr. Ryan: It indicates to the extent that there is an order dismissing protest of the conduct of election, but the objections are not in the file. They must have been removed for some reason or another. The file doesn't indicate what happened, whether they were sent to Washington or what. The other file is quite complete on the second election.

Trial Examiner Batten: I think we probably better have [1209] marked what you have there so that matter will be cleared up.

Mr. Ryan: In connection with the first case, the petition was the only thing I could find, the original petition which I brought.

Mr. Cannon: It is the petition for what?

Mr. Ryan: It is the petition for investigation and certification of representatives pursuant to Section 9 (C) of the National Labor Relations Act, before the first election, filed by the C. E. A.

Mr. Cannon: Do you have the Order dismissing protest of the conduct of election October 17, 1941?

Trial Examiner Batten: Let's see, 67-A will be the petition and the order dismissing protest of the conduct of election will be 67-B. The petition will be 67-A and the order 67-B.

Mr. Cannon: How do we get into those objections? Could that be done by reference and then it could be supplied by record from Washington or wherever they are.

Trial Examiner Batten: If they are not in the file here, I don't know. How about the consent election agreement?

Mr. Ryan: That is already in there. If we find them before the end of the hearing, we will put them in evidence.

Trial Examiner Batten: I wish you would continue to look for the objections because it is really what we should have, and if we don't find them here I wish you would make [1210] some search for them in the Washington file.

Mr. Ryan: Miss Reporter, reserving 67-A for the petition, will you please mark this document I hand you as 67-B for identification.

(The documents referred to were marked as Board's Exhibits 67-A and 67-B; Board's Exhibit 67-A being reserved, and Board's Exhibit 67-B for identification.)

Mr. Cannon: Board's Exhibit 67-A will be the petition for election?

Mr. Ryan: Yes.

Mr. Cannon: Board's Exhibit 67-B is the order dismissing protest of the conduct of election?

Mr. Ryan: Yes. It is signed by William R. Walsh and is dated October 17, 1941.

Miss Reporter, will you please mark this document as Board's Exhibit 68-A for identification?

(The document referred to was marked as Board's Exhibit 68-A, for identification.)

Trial Examiner Batten: What is the number of the second case?

Mr. Ryan: The second case is No. 21-R-1804, but the Board gives it a different number. The formal papers, some of them are marked with the Board's number 4601.

Mr. Cannon: That is 4601?

Mr. Ryan: That is the Board's number in Washington.

Miss Reporter, will you please mark these documents as [1211] Board's Exhibits next in order?

(The documents referred to were marked as Board's Exhibits Nos. 68-B through 68-P, inclusive, for identification.)

Mr. Ryan: I have had marked as Board's Exhibit 68-A for identification the petition for investigation and certification of representatives pursuant to Section 9 (C) of the National Labor Relations Act filed in Case No. 21-R-1804 on September 21, 1942.

Mr. Cannon: Just a minute, I don't know how I am going to keep track of them. That is File No. 921942?

Mr. Ryan: That's right.

Mr. Cannon: What exhibit is that?

Trial Examiner Batten: 68-A.

Mr. Ryan: As Board's Exhibit 68-B, I have had marked what purports to be a copy of a telegram to Cannon Manufacturing Corporation and Cannon Electric Development Company from the United Electrical, Radio and Machine Workers, Local 1421,

C.I.O., dated September 21, 1942, notifying them that the union has filed a petition.

Mr. Cannon: That's right. That is the one starting out with "We again serve notice that we represent a majority of your employees—"

Mr. Ryan: Yes. As Board's Exhibit 68-C we have a letter addressed to the National Labor Relations Board, [1212] Twenty-First Region, attention of Mr. George A. Yager, field examiner, dated September 26, 1942, from H. F. Brady, operations manager, on the letterhead of Cannon Manufacturing Corporation, and it starts out with "In reply to your letter of September 22, we submit the following:"

Board's Exhibit 68-D is the notice of hearing which was issued by the Acting Regional Director on the 18th day of November, 1942, in this case No. 21-R-1814.

Board's Exhibit 68-E is the decision and direction of election by the Board issued in this matter and the Board's number for that case is Case No. R-4601. The decision was issued on the 31st day of December, 1942.

Mr. Cannon: Pardon me just a minute, I just want to keep these together, if I can.

Mr. Ryan: Board's Exhibit 68-F is a document entitled "Motion to Amend Title of Petitioner in Case No. R-4601" filed January 11, 1943.

Board's Exhibit 68-G is a document entitled, "Affidavit in Opposition of Motion to Amend Title of Petitioner, United Electrical, Radio and Machine

Workers of America, Local 1421, C.I.O., "signed by Bill Attaway on behalf of the Cannon Employees' Association on January 12, 1943.

Mr. Ryan: January 12, 1943.

Board's Exhibit 68-H is a document entitled "Amendment to Decision and Direction of Election issued by the Board at [1213] Washington, D. C., on the 16th day of January, 1943.

Board's Exhibit 68-I is a document entitled "Petition to Review Action of the Regional Director for the Twenty-First Region" and is filed by the Cannon Employees' Association in this matter on January 20, 1943, with the Board. It has to do with the setting up of the election, I believe.

Mr. Cannon: May I have just a moment to look at that?

Mr. Ryan: Yes.

Mr. Cannon: Petition for what?

Mr. Ryan: That is the petition to review action of the Regional Director for the Twenty-First Region.

Mr. Cannon: Thank you.

Mr. Ryan: And it is Exhibit 68-I for identification, and it apparently was received by the Board on January 20, 1943.

Board's Exhibit 68-J for identification is a document entitled "Answer to Petition to Review of the Regional Director for the Twenty-First Region,

which document was filed by the C.I.O. in this case and was received by this office on January 22, 1943.

Board's Exhibit 68-K for identification is a document entitled "Certification of Counting and Tabulating of Ballots dated January 25, 1943."

Mr. Cannon: May I have that just a moment, Mr. Ryan?

Mr. Ryan: Yes. [1214]

Mr. Cannon: Certification of counting and tabulation of ballots, dated January 25, 1943. Thank you.

Mr. Ryan: Board's Exhibit 68-L for identification is a document entitled "Report on Ordered Election in this Matter," and is dated at Los Angeles, this 25th day of January, 1943, and signed by E. J. Eagen, Regional Director of the National Labor Relations Board, by George A. Yages, field examiner.

Board's Exhibit 68-M is a document entitled "Objections to Conduct of Election" filed by the Cannon Electric Local 1013, that is the United Electrical Radio and Machine Workers of America, C.I.O., and was received on February 2, 1943.

Board's Exhibit 68-N for identification is a document entitled "Report on Objections to Conduct of Election" from E. J. Eagen, Director, National Labor Relations Board, Twenty-First Region, dated March 18, 1943.

Mr. Cannon: Let me get that again—report on what?

Mr. Ryan: On objections to conduct of election.

Board's Exhibit 68-O for identification is a document entitled "Supplemental Report on Objections to Conduct of Election," signed by E. J. Eagen, Regional Director, National Labor Relations Board, Twenty-First Region, dated April 6, 1943.

Board's Exhibit 68-P for identification is a document entitled "Supplemental Decision and Certification of Representatives," issued by the Board in Washington, D. C. this 4th [1215] day of April, 1943.

* * * *

Mr. Ryan: I will ask counsel to stipulate that the papers I have marked are formal papers in connection with the Case No. R-4601, which is the Board number case, the Regional number was R-1804, which refers to the same case.

Mr. Cannon: I have no objection. I was only wondering if it were part of the same proceeding. So as to keep everything in order, I will want to offer as my response certain additional papers bearing on that matter.

Trial Examiner Batten: I would say that you may do so as soon as you dispose of these.

Mr. Cannon: Maybe I can do it better after recess. I will assemble them together.

Trial Examiner Batten: Board's Exhibits 68-A through [1216] Board's Exhibits 68-P will be received in evidence, being the formal papers in Case

No. R-4601. Board's Exhibit 67-B will be received, and how about 68-A?

Mr. Ryan: As I stated, the copies of that are being typed now and are in the pool.

(Thereupon, the documents heretofore marked as Board's Exhibits Nos. 67-B and 68-A through 68-P, for identification, were received in evidence.)

* * * *

FRANK G. HOBART,

a witness called by and on behalf of the respondent, being first duly sworn, was examined and testified as follows:

Direct Examination

Q. (By Mr. Cannon): Mr. Hobart, you are employed by whom?

A. Cannon Electric Development Company.

Q. And what is your job down there?

A. Director of employee relations.

Q. And do you also handle the publication of the Cannoneer?

A. Yes, I handle all publications.

Q. And what is the Cannoneer?

A. The Cannoneer is the general term that is applied to the internal house magazine.

Q. Published how often?

A. Published monthly.

Q. And do you know when it began, approximately? A. Approximately January, 1941.

Q. Now, have you been the editor in chief or in charge of that publication since it began?

A. Yes.

(Testimony of Frank G. Hobart.)

Q. Up to the present time? A. Yes.

Q. Do you know a young lady by the name of Elsie Monjar? A. Yes.

Q. Elsie Monjar? A. Elsie Monjar, yes.

Q. Was she formerly a contributor or on the staff of contributors of the Cannoneer?

A. Yes.

Q. She has testified, Mr. Hobart, in this case concerning conversation had with you sometime in 1941, concerning her being removed from the staff of contributors to the Cannoneer. Will you please state whether or not you remember having such a conversation with her? A. Yes, I do.

Q. Now, tell us first about when it occurred?

A. Well, it was in the latter part of 1941.

Q. All right. Where? A. In my office.

Q. At the Cannon plant? A. Yes.

Q. And who was present besides yourself and Miss Monjar? [1222] A. No one.

Q. Just state what the conversation was as near as you can recall.

A. In general? It is a little bit, sometime ago, but my recollection of it is this: I told her that I didn't like to have any reporters working for other publications which were circulated in the plant, for the reason that when they would have any articles that they might pick up or any features they might get ahold of for publication, they would have to decide whether they would like to give it to the Cannoneer or possibly some other publication, and

(Testimony of Frank G. Hobart.)

I had no other reporters connected with any other papers?

Q. Did you so tell her?

A. Yes, I did so tell her.

Q. At that time did you know that she was a writer or one of the correspondents for this U.E. Magazine?

A. That's right.

Q. Well, now, did you make any statement to her that she would either have to resign from the Cannoneer staff or resign from the U.E. staff?

A. Well, I think I put it this way: That I didn't like to keep her on the "Cannoneer" if she felt that she would have to write for the other paper circulated about the plant.

Q. As a matter of fact, what has been your experience as a newspaper man in the past? [1223]

A. I was started in high school as a newspaper reporter, and I took a college course with the idea of making that my work. I later worked on a number of papers in Texas and also Los Angeles. I was city editor and news editor of the Los Angeles Record. [1224]

* * * *

Q. (By Mr. Cannon): In this conversation that you had with [1225] Miss Monjar, Mr. Hobart, were you following a different or the same custom that was followed by you in your representation of other papers, in asking that writers on one staff may not write for competitive papers?

A. That was the same policy.

* * * *

Q. Was anything else said about giving Miss

(Testimony of Frank G. Hobart.)

Monjar the choice of writing on one or the other paper?

A. I think that covers the situation exactly. I gave her the choice. The explanation was that I didn't think that she could represent both papers, not necessarily because of the fact it was a C.I.O. paper, but I had no reporters that were writing for the C.E.A. Bulletin. She was the only one of all the 30 or 35 reporters or staff members who was writing for another paper.

Q. At my request, Mr. Hobart, have you reviewed the staff writers by name on the Cannoneer about the time you had this conversation with Miss Monjar? [1226]

A. Yes, I have.

Q. And have you found that among those staff writers were both C.E.A. and C.I.O. members?

A. There are members of both unions, or, at least people that were affiliated with those unions.

Q. As you said, there were none that you know of except Miss Monjar who were writing for any other bulletin or for any other publication.

Trial Examiner Batten: Just a minute. If you are going to take bulletins, you are covering more territory. I don't consider the bulletins in the same category.

Mr. Cannon: I will withdraw the question.

Q. (By Mr. Cannon): Do you know of anyone except Miss Monjar who was on the staff of the "Cannoneer," who at the same time was writing for any publication for any other unions?

A. I do not. [1227]

* * * *

HENRY HAWKINSON,

a witness called by and on behalf of the respondents, being first duly sworn, was examined and testified as follows:

Direct Examination

Q. (By Mr. Cannon): Mr. Hawkinson, you are employed by the Cannon Manufacturing Corporation? A. I am.

Q. And in what capacity?

A. General superintendent.

Q. That is, you have charge of general maintenance, of all the organization in the plant?

A. That is correct.

Q. And how long have you been so employed?

A. About three years.

Q. And before that, were you employed in the same place? A. Yes, I was.

Q. In what capacity?

A. As a tool room foreman.

Q. And how long did you work as a tool room foreman before you became general superintendent?

A. I would say close to about 3 or 4 years.

Q. Now, did you as a tool room foreman have supervision of a man named Ned Mandella? [1232]

A. I did.

Q. Did he work under you for a time?

A. He worked for me about six months or more.

Q. And where was he working? In what particular division?

(Testimony of Henry Hawkinson.)

A. He was working in the tool crib as a tool crib attendant.

Q. And did you do anything towards having him removed from that department? A. I did.

Q. What did you do?

A. I contacted the superintendent and told him that I could not have Mr. Mandella working there any longer because he was spending too much time doing other business outside of his regular duties.

Q. And whom did you contact and tell that to?

A. Ray Cromwell, who was then superintendent.

Q. General superintendent, and he held then the same job you now hold? A. That's right.

Q. There has been considerable testimony here concerning Mandella's soliciting membership in various organizations and also soliciting for customers for some deal he had for a laundry.

A. Yes, he had been in the laundry business for years, and he was running off raffles on rifles.

Q. Did you come in contact with him at all where any [1233] question was had concerning the formation of a union? A. No, I did not.

Q. Did you know of anything to the effect that he was signing up people to some organizations or clubs? A. No, I didn't.

Q. Now, calling your attention to this man Ar-mant, do you know him?

A. Well, I remember him, yes.

Q. Calling your attention particularly to the time when he returned to the plant after having

(Testimony of Henry Hawkinson.)

some kind of arbitration hearing, did you attend the arbitration hearing yourself?

A. No, I did not.

Q. But you remember his coming back to work?

A. Yes, he was reinstated.

Q. Were you at that time general superintendent or foreman? A. General superintendent.

Q. Now, calling your attention to the testimony he gave to the effect that he had a conference with you and Bob Cannon that day he came back to work, do you remember having such a conference at that time?

A. No, I do not. I do not know when he came back to work.

Q. Now, directing your attention to the time when there was a strike or a threatened strike, and the meeting in the cafeteria, do you remember having a conference with both Cannon and Armant at that time? [1234] A. Yes, I do.

Q. Where did that occur to your recollection?

A. As far as I can remember, in my office.

Q. And is that on the factory floor?

A. Yes.

Q. Who else was present besides yourself, Armant and Cannon?

A. I think the foreman in the department was there.

Q. What is his name?

A. I think it was Bill Yockey.

Q. Tell us what the conversation was, will you?

A. Well, to begin with it was on a Saturday, I

(Testimony of Henry Hawkinson.)

remember that. I was around there to about 5:00 o'clock, and just as I left the factory, why, somebody told me there was a strike or walkout, and I went back in again and Mr. Mandella and the whole bunch of workers were down in the cafeteria, and Mr. Mandella was holding a speech down there, and I went up there and asked him what it was all about, and he said he would not work as long as Mr. Armant was in the plant. I tried to get him back to work but couldn't do anything with him. Mr. Robert Cannon was called in and he talked to him, and he was pretty beligerant. So, before this man went home——

Q. What man? A. Armant.

Trial Examiner Batten: Was there another man named [1235] Fellows involved in this thing?

The Witness: Yes, I believe there was.

Q. (By Mr. Cannon): First, before you get up to that, before Armant went home, how many people would you approximate were in the cafeteria?

A. Well, I would say one hundred or one hundred fifty people.

Q. And this was just after the swing shift had gone home? A. Yes.

Q. And what shift was Armant working on when he came back that day? A. Swing shift.

Q. And when you had your conversation with Mandella, before Bob Cannon came down, were you on the premises or where?

(Testimony of Henry Hawkinson.)

A. No, I was just talking to them there, for the people to go back to work.

Q. Did you talk to the people yourself, trying to get them back?

A. Yes, I don't remember what I said, but I thought they should go back.

Mr. Ryan: I object to what you thought.

Trial Examiner Batten: The question is what you told them, not what you thought.

The Witness: Yes.

Q. (By Mr. Cannon): Did you hear any part of Mandella's speech that day? [1236]

A. I probably did, but I can't remember exactly what he said, except that I remember that he didn't want to go back to work before those two men were removed.

Q. During the same afternoon, did you and Armant have a talk with Bob Cannon?

A. Yes, we did.

Q. That is the particular conversation I am after. Now, is that the one that occurred in your office?

A. That's right.

Q. State what was said.

A. We told him that under the circumstances that production was needed that it would be better for him to go home, and we would be willing to pay him for the time he lost, and at the same time we would have an arbitration on it.

Q. You told him that?

A. I told him that.

(Testimony of Henry Hawkinson.)

Q. And was anything said about why you wanted him to go back home that day?

A. So that the other fellows could go back to work.

Q. Did Mr. Armant make any request of you that he, Armant, be allowed to make a speech in the cafeteria?

A. Not that I remember.

Q. In any event, did you tell him he could not make a speech?

A. No. [1237]

Trial Examiner Batten: The question is, do you recall him asking you that.

The Witness: No, I don't recall.

Q. (By Mr. Cannon): Now, what was the rest of the conversation, then, in addition to what you told us?

A. That is about all. Armant went home and the people went back to work again.

Trial Examiner Batten: Did Fellows go home too?

The Witness: I think he went home, too, as I recall it.

Q. (By Mr. Cannon): Now, were you on the day shift before the swing shift came on?

A. That's right.

Q. And do you recall seeing a man named Andy Bereznak and a man named Barnett around the people that morning?

A. Well, I didn't see him myself.

Q. Were they on the swing shift or day shift?

A. I really can't recall if they worked on days

(Testimony of Henry Hawkinson.)

or nights. I think Andy worked on the swing shift at that time.

Q. And in any event, you don't have a recollection of them circulating among the employees?

A. No.

Q. Did you hear any talk, while these people were moving around, about this being a production meeting in the cafeteria? A. No.

Q. Did you have any advance information at all, Mr. [1238] Hawkinson, about this gathering in the cafeteria?

A. No, I certainly didn't. It surely struck me like lightning.

Q. I will ask you to state, Mr. Hawkinson, during the time that you were foreman before you began your general superintendent, did you ever discriminate for or against any union members down there?

Mr. Ryan: Mr. Examiner, I object to that as calling for a self-serving declaration.

Trial Examiner Batten: Well, he can say whether he did or didn't. Of course, I don't intend to be bound by it. I will take the evidence in the record and determine it for myself whether there has been or not, but I have no objection to the witness answering the question.

The Witness: Not to my knowledge. As far as I know, the labor laws——

Q. (By Mr. Cannon): What I am asking about, was there any discrimination? Did you prefer one group over any one else in giving them the work?

(Testimony of Henry Hawkinson.)

A. No. [1239]

* * * *

Cross-Examination

Q. (By Mr. Ryan): Mr. Hawkinson, on the day that Mr. Armant came back to work that you have testified about, where did you first learn that some of the employees were in the cafeteria?

A. I can't recall. I was ready to go home; I was right outside the door ready to go back, and somebody said there was a general walkout.

Q. Who told you that?

A. One of the employees. I don't remember who it was.

Q. Then, what did you do?

A. I went down to the cafeteria?

Q. You did? A. Yes. [1241]

Q. And what did you see when you got there?

A. Mr. Mandella was there talking to the employees, and I asked him what it was about.

Q. Did you call him over to see what it was all about?

A. Yes, I called him over and asked him what it was all about, and he said that this Armant was disqualified from working in there, and he wanted him to be removed.

Q. He wanted him to be removed?

A. Yes.

Q. What did you say to him then?

A. I told him then that there was nothing I could do right then. I couldn't fire a man just like that, because the man was reinstated. So, that is

(Testimony of Henry Hawkinson.)

when Mr. Cannon was called in, as I said before, and then finally he agreed of his own free will to go home that night so that everybody could go back to work.

Q. Well, how many employees did the company have at that time?

A. I would say probably about 300 on that shift, probably less, probably about 250 on the swing shift.

Q. You didn't get up and make any speech to the employees there, did you?

A. No, I don't think I did. I probably talked to some of the fellows.

Q. I am interested in what you know that you said. Now, if [1242] you know that you said something to the employees, say so, and we will be glad to hear what you said.

A. I asked them all to go back to work.

Q. Where were you then when you asked them to go back to work?

A. In the cafeteria.

Q. Did you go up in front of them and address the crowd?

A. Yes.

Q. What did you say?

A. I asked them to go back to work because production was needed, and they said they weren't going to go back to work.

Q. Who said that?

A. Mr. Mandella.

Q. Did you say anything more?

A. No.

Q. You just walked out?

A. Yes.

Q. Were the employees standing up or sitting

(Testimony of Henry Hawkinson.)

down? A. They were standing up at that time.

Q. About what time of day was that?

A. About 5:00 o'clock, between 5:00 and 5:30.

Q. And what did you do after that? Did you walk out of the cafeteria?

A. Yes, I went up to my office, and Mr. Cannon came down.

Q. Which Mr. Cannon? [1243]

A. Mr. Robert Cannon.

Q. And you and he talked together?

A. That's right.

Q. And what did Mr. Cannon say and what did you say?

A. We were just talking about as to how we could get the people back to work. We didn't want a walkout.

Trial Examiner Batten: Did Mr. Cannon talk to the employees or with Mr. Mandella?

The Witness: He talked to Mandella. He came into the cafeteria and talked to Mandella.

Q. (By Mr. Ryan): Were you present when he was talking to Mandella?

A. I can't remember what he said. I probably was present when he talked to him, but it was a long time ago.

Q. Then you and Bob Cannon talked in your office afterwards? A. That's right.

Q. Was anyone else present besides you and Mr. Cannon?

A. This Armant was present there.

Q. Who else was there?

(Testimony of Henry Hawkinson.)

A. The foreman, Mr. Yockey, and he agreed to go home, and we would pay him for the night's work.

Q. I ask you, Mr. Hawkinson, whether anyone said that it was a production meeting out there?

A. No, everybody was hollering that a strike was going on.

Q. Who was hollering?

A. Some of the people there. I can't remember just who was [1244] there.

Q. There were considerable people working at the time?

A. Just a few people in some departments.

Q. Now, this Andy Bereznak and George Barnett, you heard also that they had been going through the plant before that time?

A. No, I didn't.

Q. When did you first find that out?

A. When I was going home somebody told me that there was a walkout.

Q. When did it first come to your attention that George Barnett and Bereznak had gone through the various departments?

A. That never came to my attention.

Q. Never did? A. No, sir.

Q. When you are on your job, do you stay in your office most of the time?

A. I was out in the plant quite a bit.

Q. At that time you were out at the plant?

A. Yes, I am always around the plant quite a bit.

(Testimony of Henry Hawkinson.)

Q. And still you didn't see any employees leaving their jobs until somebody told you about it?

A. I was ready to go home, and it went fast.

Q. You didn't see them walk off?

A. No, because I was just outside the door, and somebody [1245] hollered there was a walkout, and by that time the people were walking to the cafeteria.

Q. Walking out of the cafeteria?

A. No, walking from the plant to the cafeteria.

Q. Where were you at that particular moment?

A. I was out in the lobby ready to go home. I had my hat and coat on ready to go home.

Q. As a matter of fact, you didn't deduct any wages from these employees for the time they were in the cafeteria that day, did you? They got their full pay that day that they went into the cafeteria to listen to Mandella?

A. I can't remember, because it was only about a half hour when the whole thing was over. I don't think we did.

Q. You say, "I don't think we did?"

A. I can't remember whether we did. I don't think so.

Q. You don't think you deducted any wages?

Mr. Cannon: I will stipulate that we did not make any deductions.

Mr. Ryan: I will accept the stipulation.

Q. (By Mr. Ryan): Did you go down to talk to Armant when he was working on his job?

A. That's right.

(Testimony of Henry Hawkinson.)

Q. Did you go down and talk to him?

A. I did.

Q. When was it that you went and talked to him with respect [1246] to this conversation that you had with Mandella in the cafeteria?

A. After I came back from the cafeteria, after I found out what it was all about.

Q. Then, you talked to him? A. Yes.

Q. He was working on the job? A. Yes.

Q. There were other employees working in that department, too?

A. There were a few, not very many of them, just a few.

Q. What did you say to Armant at that time?

A. Well, I can't remember exactly what I said, but I said as far as I was concerned I didn't have anything against him. I couldn't tell him to go home, but I said in the interest of war production, it would be better for him to go home, and we would pay him for the night's wages, and he finally decided to do so on his own accord.

Q. By the way, what did Mandella say to you in the cafeteria about why he wouldn't work and why these other employees weren't going to come back to work? What did he say to you in that connection, if anything?

A. All he said was that as long as the other fellows were there, they weren't going back to work.

Q. What did he mean?

A. I think Fellows and Armant, but I think Fel-

(Testimony of Henry Hawkinson.)

lows worked on [1247] days. I am not certain on that.

Q. Did you say anything in reply to that?

A. I probably did.

Q. What?

A. Well, I tried to talk the men into going back to work.

Q. What did you say?

A. I said, what is the difference?

Q. And what did Mandella say?

A. He said it made a lot of difference.

Q. Did he explain?

A. I can't remember just what he said. It was quite a long time ago, and it would be pretty hard to remember just what the actual conversation was.

Q. Well now, going back to the conversation with Armant there, while he was working in his department, will you tell us what the conversation was.

A. Well, as far as I can remember, I went over to Armant and told him that I had nothing against him at all, or something like that, and I told him that, however, that the people were going on strike and that production was very vital and so forth, and I thought it would be a good gesture on his part if he would go back home. Of course, at first he was a little belligerent about it, and we had quite a talk.

Trial Examiner Batten: You said, "We had quite a talk?"

The Witness: Him and I. [1248]

Q. (By Mr. Ryan): What did you say?

A. As far as I was concerned, he was all right, but as far as the union was concerned they were on

(Testimony of Henry Hawkinson.)

strike, and it was necessary to have the production going.

Q. Did you say that to him? A. Yes.

Q. What did he say?

A. Well, he felt that he hadn't done anything, and that he was entitled to work.

Q. Well, he hadn't done anything as far as you were concerned? A. No.

Q. Is there anything else that you recall?

A. No, it is quite sometime ago.

Q. Did you take him back to Bob Cannon's office?

A. No, he came to my office. He was working close to my office.

Q. So you asked him to come into your office?

A. That's right.

Q. And then after he got into your office, did Mr. Bob Cannon come in?

A. Bob Cannon was in there then.

Q. What was he doing in your office at that time?

A. He was already in the cafeteria and came back.

Q. You were talking to him first then before you talked to Armant? [1249]

A. I probably did. I think, I talked to Armant a couple of times.

Q. What took place when you and Bob Cannon and this Armant got together in your office? What was the conversation?

A. Just that we would like to have the employees back to work because production was vital and was

(Testimony of Henry Hawkinson.)

needed, and he said, "O.K." and finally went home.

Q. You also told him that you would give him a hearing?

A. Well, we had nothing to do with that. There was an arbitration coming up. That came under the personnel department, and I wasn't acquainted with that.

Trial Examiner Batten: I thought you said something about the arbitration.

The Witness: Well, that most likely there would be one.

Trial Examiner Batten: Well, you told him that there would be an arbitration.

The Witness: Yes, that's right.

Q. (By Mr. Ryan): What did you have in mind when you said there might likely be an arbitration?

A. Well, I had in mind that there would be an arbitration.

Q. So far as you know, at that time you knew from your being in your position in the plant that Armant, that there was nothing wrong with Armant?

A. No, there was nothing wrong with Armant. As far as I was concerned he was O.K. [1250]

Q. You couldn't point out anything as far as his work was concerned?

A. No, I didn't have anything against Armant.

Q. I believe you testified that Ned Mandella was transferred from the tool crib over to the—

A. Assembly, yes.

Q. To the assembly, is that right?

Q. Do you know about when he was transferred?

(Testimony of Henry Hawkinson.)

A. No, sir, I can't remember that. It must have been around 1939 or 1940.

* * * *

[1251]

Mr. Cannon: In connection with this Case No. 21-R-1354, I desire to offer as Respondent's Exhibit 12—

Trial Examiner Batten: Are there several documents in that connection?

Mr. Cannon: Yes.

(Thereupon, the documents referred to were marked Respondent's Exhibits Nos. 12-A and 12-B, for identification.)

Mr. Cannon: 12-A is the notice of election, employees of Cannon Electric Development Company and Cannon Manufacturing Corporation, the election to be held September 9, 1941 and the appending documents. I have already exhibited them to Mr. Ryan.

Respondent's Exhibit 12-B is copy of Certificate of Results of Consent Election, touching upon the election held September 9, 1941. [1259]

Trial Examiner Batten: What date is that?

Mr. Cannon: That is dated September 10, 1941, and I will state for the record and for the benefit of all of us that following this last document I mentioned which has been marked as Respondent's Exhibit 12-B, came the order dismissing the protest of the conduct of election which was offered by the Board as Board's Exhibit 67-B, and I would like to waive the offer of duplicates unless you require them.

Trial Examiner Batten: No, I have waived the duplicates on the others.

Mr. Ryan: You are on Exhibit 12-B now?

Mr. Cannon: Exhibit 12-A and 12-B, yes.

Trial Examiner Batten: Any objections to the exhibit, Mr. Ryan?

Mr. Ryan: I have no objection.

Trial Examiner Batten: Respondent's Exhibits 12-A and 12-B will be received.

(Thereupon, the documents heretofore marked Respondent's Exhibits Nos. 12-A and 12-B, for identification, were received in evidence.)

[Printer's Note]: Respondent's Exhibit No. 12-B is set out in full at page 709 of the printed Record.

* * * *

[1260]

ROBERT J. CANNON,

a witness called by and on behalf of the respondents, being first duly sworn, was examined and testified as follows:

Direct Examination

Q. (By Mr. Cannon): Your name is Robert J. Cannon? A. That's right.

Q. And you are the vice-president, are you, of the Cannon Manufacturing Corporation?

A. That's right.

Q. You have been such for several years, have you not? A. Yes.

Q. And what other, if any, titles do you hold there in the plant? A. General manager.

Q. And are you in charge of all affairs in the absence of James H. Cannon, your father?

(Testimony of Robert J. Cannon.)

A. Yes.

Q. And have been so for several years?

A. Yes.

* * * *

[1292]

Q. (By Mr. Cannon): During the whole of this period that you had been there as general manager—by the way, how long have you been general manager?

A. I got the title of general manager in April or May of 1942.

Q. And you have acted as such up to the present time? A. Yes, continually.

* * * *

[1298]

Q. Now, I want to call your specific attention to some testimony given by Mr. Armant concerning some activities of yours during the time this so-called strike was in progress. Do you recall the occasion when you talked to Armant on the date when the people lined up in the cafeteria?

A. Yes.

Q. Tell me the circumstances of that, Mr. Cannon.

A. I had already gone home, and I got a phone call. I don't remember who the individual was who phoned, but he said that a group walked out of the plant, and I better get right back there. So, I drove there as fast as I could and went out in the cafeteria, and I was met on the floor about half way to the cafeteria by Mr. Hawkinson, superintendent at the time, and we walked out to the cafeteria together. There were roughly 100 or 150 people standing around there.

Some were sitting on tables, some were sitting on

(Testimony of Robert J. Cannon.)

the backs of chairs, and people in the back were standing on chairs. [1325] There was a general mob of people and with them Mandella in the middle. When I arrived, he was making some sort of a speech and waving his arms around, and as soon as I walked in he indicated to me in a very loud voice that they were out on strike and would not go back to work as long as Mr. Armant was in the plant.

On the way down Mr. Hawkinson told me the gist of the thing and had advised me that Mr. Armant was still on his machine. So, I told Mr. Mandella that we didn't like being muscled around by their gestures of walkouts and things. But yet, he did have his crowd worked up to such a pitch that for the sake of allowing them to cool off, we did consent to arbitrating the case, but that we would not agree then and there to removing Mr. Armant as an employee.

So, after a few minutes they agreed that that would be all right, if we would get him out of the plant that evening. So I agreed to that, and they went back to work.

I then went to the superintendent's office and called Mr. Armant and told him about it. He objected to it and wanted to make a speech explaining his side of the case, and in explaining it he waved his arms around a little bit, and the superintendent's office has an open window, so I told him to come to my office upstairs.

I then explained to him that we would be willing to pay him for his time off, and we would arbitrate the case, and [1326] that we would arbitrate the

(Testimony of Robert J. Cannon.)

thing with the union. He refused and he insisted on his rights to talk to these people and explain his side of the case. So I asked him to go again, and I said if he didn't agree to go, I would have to have him removed. So he agreed to go.

* * * *

[1327]

Cross-Examination

Q. (By Mr. Ryan): Mr. Cannon, you are now general manager and vice-president, is that right, of the Cannon Manufacturing Corporation?

A. That's right.

Q. When did you become general manager?

A. In April or May of 1942.

Q. And when did you become vice-president of the corporation?

A. The title of vice-president was bestowed upon me in 1941, as I remember, which coincides with the date that the—I am not sure, whether it was 1939, the date of the dissolving of the corporation, but I think.

Mr. Cannon: I will get you the exact date from the minute book, if you want me to.

Q. (By Mr. Ryan): Well, is the statement approximately correct?

Trial Examiner Batten: When the corporation was organized, you were vice-president?

The Witness: No, the corporation was organized in 1915.

Trial Examiner Batten: Then, you had a change in name?

The Witness: And in 1939 the name was changed. [1330]

Trial Examiner Batten: And that is when you became vice-president?

The Witness: I am quite sure it coincides with that. The title of vice-president was not used very generally until 1940 when I had occasion to write letters. It being a privately owned corporation, the corporate affairs were fairly simple as far as I was concerned.

Mr. Cannon: That is the approximate date?

Q. (By Mr. Ryan): Mr. Cannon, prior to becoming general manager, what was your position, what position did you hold aside from the vice-presidency?

A. Well, we had never been awfully strong on titles, but my Dad left me the title before he left on a trip in 1941. He was president and general manager, and he called me assistant general manager at that time.

Q. When was that, about? A. About 1940.

Q. And you continued to be assistant general manager until you became general manager, is that right? A. Yes. [1331]

* * * *

JAMES H. CANNON,

a witness recalled by and on behalf of the Respondents, having been previously duly sworn, was examined and testified further as follows:

Direct Examination

Q. (By Mr. Cannon): Mr. Cannon, have you ever been able to find the contract with the International?

(Testimony of James H. Cannon.)

A. Oh, yes, but we haven't located the same copy. I wouldn't trust an unsigned one, because in those instances they were usually submitted two or three times before they were acceptable, but our office copy disappeared.

Q. But you have been unable to locate it in the last few days? A. No.

Mr. Cannon: I will state to the Examiner that we are trying to locate it, and if we are not able to find it, we will try to get it from the A. F. of L., if we can.

Q. (By Mr. Cannon): Mr. Cannon, you have been here all during this time that your son Robert was on the stand? A. Today, yes.

Q. You heard your son's testimony with respect to the strike of the C.I.O. that was held about September 2, 1941, did you? A. Yes.

Q. Now, is there anything in connection with that strike or [1337] in connection with the conference held with the National Labor Relations Board that you know of, in addition to what your son has testified?

A. Well, at the Board's offices, as I recall it, we assembled in the ante room first, and there were representatives of the A. F. of L., C.I.O. and C.E.A., and the company there, and we assembled in Mr. Walsh's office. There was Robert and myself who represented the company, and it seems to me that you attended the meeting. Connelly was there for the C.I.O., and the A. F. of L., I am not sure who represented them, but they weren't too enthusiastic

(Testimony of James H. Cannon.)

about the election proposition in any event, and Washington had the Board on the wire that morning.

Q. Is that what the men there told you?

A. They told us there at the time that the strike had been occasioned by the discharge of five employees, and I agreed to a consent election and suggested that the five employees be maintained on the payroll until their cases were settled by an outside tribunal. This wasn't satisfactory to the C.I.O. They insisted that they be put back in the plant and wanted to know if they could issue that order. Lt. Commander Powell was there as an observer in the Navy, and he said there will be blood shed by the next shift—they had loud speakers going and that morning they had a fight there. There was about 1500—— [1338]

Trial Examiner Batten: Just a minute, are you going to tell us about what happened at the Board?

The Witness: It led up to the Board's hearing. I consented to take the five back, with the exception of the one, the Navy would not accept, by the name of Frenchy.

Q. (By Mr. Cannon): Frenchy Martin?

A. Yes, but the other four were re-instated.

Q. And then thereafter did you hold a hearing on them, Mr. Cannon?

A. I don't recall that we did at that time.

Q. Now, then later on you had a hearing, did you not, with respect to George and Fellows?

A. No, that was on Armant and Fellows, and the sole difficulty there—it wasn't merely an arbitration proposition; it was an oversight in the contract

(Testimony of James H. Cannon.)

that the union's own lawyer didn't know about, calling for the discharge of an employee if recommended by the union, provided the company management concurred in the charges. Apparently those two had been discharged without investigation on the management's part, but merely on the representation made by the union.

So, we held a hearing, myself representing the company, one individual representing the C.E.A., and a neighboring manufacturer, and Lt. Commander Powell was there as an observer for the Navy.

Q. What occurred? [1339]

A. Armant's record appeared to be very black, and in my opinion, he had a police record and changed his name without any apparent reason, and he had been a trouble maker, and I heard a lot of complaints about him, and quite a set of complaints which, I think, are still available. And the chap Fellows, the only thing I had against him was he called me an S.O.B., and he didn't like the C.E.A. So, I re-instated Fellows and confirmed the discharge of Armant. [1340]

Q. (By Mr. Cannon): Now, then, in connection with the second National Labor Relations Board election, do you recall what occurred at the plant prior to that election, Mr. Cannon? [1341]

A. The second election?

Q. In the second election.

A. I didn't pay any attention to that. That was just a squabble between the C.E.A. and the C.I.O., and they fought it out on its merits.

Q. Now, did you at any time do anything, or

(Testimony of James H. Cannon.)

did you at any time suggest to any person as to who should be the officers or directors of the Cannon Employees' Association? A. Positively not.

Trial Examiner Batten: I presume, Mr. Ryan, that you want to continue your objection.

Mr. Ryan: Yes, I do.

Q. (By Mr. Cannon): Well, did you make any suggestions to them as to who should be an officer of that Association?

A. Never did, and I have expressed myself repeatedly that they should establish their officers democratically by honest balloting.

Q. On all of these elections that you have been speaking about, I mean these elections for officers or directors of the C.E.A., did you participate in any way? A. In no way whatsoever.

Q. In connection with the election of this contact committee in the first instance—how long, by the way, did that contact committee operate?

A. I don't think it really ever got functioning. They had [1342] the committee elected by secret ballot, and then I was informed that it didn't meet the labor laws as it was set up in Washington, and the C.E.A. started to organize, I guess, under that old name of the Association.

Q. The Cannon Employees Recreation Association?

A. Yes, sir, and the C.I.O. came in at that time. We were actually operating under the A. F. of L. Machinists contract, but they were not functioning.

Q. Did you have anything to do with the non-functioning A.F. of L. and their contract?

(Testimony of James H. Cannon.)

A. No, unless you can say that they all quit paying dues.

Trial Examiner Batten: What, if anything, did you do in connection with this contract committee? I mean after the officers were elected, did you do anything about it?

The Witness: Commissioner, at that time I didn't in any way set it up.

Trial Examiner Batten: Well, did you do anything to disestablish it or to abolish it, or if you found out that it wasn't proper, what steps did you take, if any? What did you do, just let it die?

The Witness: It perished almost before it got really into what you might call a nebulous form. They were all trying to set up committees in the shop, the C.E.A., the A. F. of L., the Cannon Employees' Association, and they all anticipated bargaining independently with us. Every one [1343] wanted to bargain. We didn't have any union.

Trial Examiner Batten: In other words, you didn't take any steps to abolish it by notifying either the committee or the employees that it was improper? It died only a natural death?

The Witness: Frankly, I don't know, but I was informed that it wouldn't meet the requirements of the Labor Act. [1344]

(The documents heretofore marked as Respondents' Exhibits Nos. 20, through 28, for identification, were received in evidence.)

[Printer's Note]: Respondent's Exhibits Nos. 26, 27 and 28 are set out in full at pages 710-711 of this printed Record.

(Testimony of James H. Cannon.)

* * * *

JAMES H. CANNON

a witness recalled by and on behalf of the Respondents, having been previously duly sworn, was examined and testified further as follows:

Direct Examination

Q. (By Mr. Cannon): Mr. Cannon, when you were on the stand last evening at the conclusion of the Board hearing, as I recall, we were discussing this contact committee and whether or not anything was done by you to disestablish that contact committee. I think the last of it was that you had no recollection of that matter as to whether anything was done. Can you state whether you have refreshed your recollection at all in that regard?

A. Well, I have no recollection of any direct statement by me, but the election which superseded that in any event held the bargaining agency would be established legally, and it would wipe out the contact committee, if it was in existence.

Trial Examiner Batten: My question was and still is, did you do anything to tell the employees that it was out or that it was illegal?

The Witness: I can't recall. There were too many [1363] things at that time, and this is not impressed on my memory.

Q. (By Mr. Cannon): Do you recall whether or not any of the members of the old contact committee later became directors or officers of the Cannon Employees' Association.

A. I don't have any tie-in on that, but I would

(Testimony of James H. Cannon.)

assume that there would be a considerable number on account of the fact that the contact committee was elected by secret ballots, and they would elect their favorite choice, and they would elect several of those.

Q. Well, did you make any request of any of the employees that they elect any particular person on any board or committee?

A. I certainly did not, and I leaned over backwards to avoid any indication that way. I wanted absolutely a democratic choice in the employees.

Q. Is that the same situation with respect to all of these organizations that you mentioned, including the contact committee, the Cannon Employees Recreation Association, the Cannon Employees' Association and the Cannon Employees Association, Incorporated?

Mr. Ryan: I object to that as calling for a self-serving declaration, there being no foundation laid for it.

Trial Examiner Batten: He may answer it.

The Witness: There was absolutely no indication on my part as to choice, because of the fact that I was combating [1364] complaints of internal interference in the plant, and the only way to satisfy the employees is to have them confident that they were making their own selections.

Q. (By Mr. Cannon): Now, I asked Robert Cannon about the use of the Cannon Company trademark on cards of the Cannon Employees' Associa-

(Testimony of James H. Cannon.)

tion. Do you recall seeing those cards or the Association bearing that emblem?

A. It was called to my attention, and I was very much incensed about it, and it was immediately ordered stopped, and the only way we could trace it is that they probably took it from our memoranda matter.

Q. And was that the first time you saw it?

A. It was the only time it was called to my attention.

Q. The action you took on it was right soon after it came to your attention?

A. Immediately.

Q. Now, I would like you to state when it was, as near as you can recall, when it was that Mr. Cromwell left the employ of the company?

A. The date there is not definitely fixed in my mind. It was some time in 1942, as I recall it, possibly along about—well, I can't hold it down to the month. We can establish that in the records. It was about the middle of the year.

Q. About May or June of 1942?

A. I thought it was a little bit later than that, or maybe not. [1365]

Q. Did you, prior to his discharge, have any conversation with him concerning any of his union or anti-union activities?

A. I had constant trouble with him from the first moment on that. He came from Dayton where they had no unions, and he was very antagonistic against the union. He was going constantly against

(Testimony of James H. Cannon.)

instructions and causing me trouble, because he wasn't fair with the men.

Q. And that is when it was that you terminated your relationship with him?

A. I didn't discharge him directly. It was my intention to allow him a little more time after I got Mr. Brady, but his conduct became so obnoxious that I had to let him go.

Q. When you say that he was going contrary to the management, in some particulars, will you indicate what you mean on that?

A. Well, the stock room was the first place we had trouble. We set up a new system, and because it came from the outer office he told the employees to disregard it, and he was very unfair on the labor problems.

Q. And did you have conversations with Mr. Cromwell concerning the attitude he had taken with the organization?

A. I warned him time and time again, but it didn't do any good.

Q. What do you mean?

A. His attitude to labor was antagonistic, and we had no right to interfere with them in any manner, and they could belong to any union they desired. [1366]

Q. And has that always been your attitude from the period of this organization in 1941, at least up to the present time?

A. I think you will find bulletins which indicated that they could belong to any unions. [1367]

(Testimony of James H. Cannon.)

* * * *

Mr. Cannon: At this time, just so the record will be clear, I want to file the amendment to answer, the original, and then I want to serve Mr. Ryan a copy of it. May I serve you one, also, for the A. F. of L. and C.I.O.?

Mr. Ryan: Yes.

Trial Examiner Batten: That may be marked and received as Board's Exhibit 1-Z.

(The document referred to was marked as Board's Exhibit No. 1-Z, and was received in evidence.) [1369]

* * * *

Cross-Examination

Trial Examiner Batten: I have a question of Mr. Cannon. Do I understand that the C.E.A. was recently disestablished, or recently went out of business?

The Witness: I heard that they disincorporated, and I was dumbfounded, because when they disincorporated they were no longer existent, and it left us without any bargaining agreement.

Trial Examiner Batten: You mean the contract that you had with the C.E.A.?

The Witness: Yes, they were incorporated.

Trial Examiner Batten: And it was understood that that corporation was dissolved?

The Witness: I heard from some source that it was dissolved. I have seen nothing official.

Trial Examiner Batten: After you received that

(Testimony of James H. Cannon.)

information, have you or anyone representing the company taken any [1372] action notifying the employees that it was no longer in existence, that the contract is no longer in existence?

The Witness: No, the employees, as I would understand it, are members of the corporation, and if they dissolved they would know.

Trial Examiner Batten: The question is, the company didn't take any steps to notify them about it.

The Witness: No, that I know of.

Trial Examiner Batten: Did the C.E.A. officially notify you that it had been dissolved and that the contract was therefore void?

The Witness: I don't recall receiving any official notice, but I was told that it was dissolved.

Mr. Cannon: Well, the documents I offered in evidence this morning, Exhibits 30 and 29, which you rejected, have reference to it.

Trial Examiner Batten: Yes, I know I rejected both of those. The point is, I am not concerned with what happened afterward. I am concerned with whether or not it was dissolved. Mr. Ryan, I think you better have some representative of the C.E.A. Is Mr. Grady here?

Mr. Grady: Yes.

Trial Examiner Batten: Are you in the position to give us that information?

Mr. Grady: Mr. Gibson was the one that handled that the [1373] most. However, I can give you a little information on it, or attempt to.

(Testimony of James H. Cannon.)

Trial Examiner Batten: Well, we will see later. I think we should have something here which would indicate what the present status of the C.E.A. is.

Mr. Grady: The present status?

Trial Examiner Batten: If you want to testify on it, you will have to come up here and be sworn.

Mr. Cannon: Mr. Cannon, did you have anything to do with the dissolution of the C.E.A., if it was dissolved?

The Witness: I certainly did not.

Mr. Cannon: After you had been advised that the C.E.A. had been dissolved, did you give any instructions with respect to the non-checkoff of dues?

The Witness: They held an election there of some sort, or a vote, rather, and the collection of dues had gone through tabulating by that time when we got the information that they dissolved, so we held that payment in abeyance and notified the members that it would be refunded on the next pay check.

Mr. Cannon: You then have the money that was checked off under the old C.E.A. contract, or it has already been refunded to the C.E.A. members?

The Witness: We either got it or refunded it.

Mr. Cannon: Did anybody make any demand upon you for [1374] that money?

The Witness: Not that I know of. If they had, Bob would probably have received it.

Mr. Cannon: That is all.

Mr. Ryan: Mr. Cannon, you say you notified the C.E.A. members in your plant that they would

(Testimony of James H. Cannon.)

be reimbursed for the dues you checked off. Now, since you heard that the C.E.A. was dissolved, how did you notify these C.E.A. members?

The Witness: My recollection is that we were going to publish it in the Cannoneer in the next issue, which they always receive.

Mr. Ryan: Have you published it?

The Witness: I don't think that the second issue is off the press yet, if it isn't out today. I wouldn't say that it hadn't gone out in the preceding issue. Robert might have received some inquiries, or undoubtedly had some questions from the employees, but they didn't come to me direct.

Mr. Cannon: I am going to ask Mr. Robert Cannon about that. I want the record cleared up.

Trial Examiner Batten: It should be.

Mr. Ryan: Since this rumor to the effect that the C.E.A. was disestablished or dissolved, have you had a contract with any organization out there? Have you any contract now?

The Witness: We haven't any contract now.

Mr. Ryan: You have none now? [1375]

Mr. Cannon: I don't know whether he has or not, frankly. It is calling for his conclusion whether he has or not. If there was a dissolution of the corporation, there is a legal question in my mind whether the contract does exist or not.

Trial Examiner Batten: It depends on the State law. Certainly I can't leave this thing up in the air in this position.

MR. Cannon: Well, I am going to try to clear it up, if I can.

* * * *

ROBERT J. CANNON,

a witness recalled by and on behalf of the Respondents, having been previously duly sworn, was examined and testified further as follows:

Direct Examination

Q. (By Mr. Cannon): Mr. Cannon, referring to Exhibits 29 and 30 for identification, is that the first——

Trial Examiner Batten: You mean rejected.

Mr. Cannon: Well, they are still marked for identification.

Q. (By Mr. Cannon): All right, referring to rejected Exhibits, Respondents' Exhibits 29 and 30, is that the first information [1376] you received concerning any purported dissolution of the C.E.A.?

A. Well, I knew the election was going on just before then, and I had heard the results, although I don't know who I heard it from. I heard that the results of the election that the C.E.A. had, that they voted to become a part of the M.E.S.A.

Q. After you heard that rumor, did you receive rejected Exhibits 29 and 30? A. Yes.

Q. And was the written notice that you received from anybody of the dissolution of that company?

A. Yes.

Trial Examiner Batten: Well, on the basis of his testimony, I will receive Respondents' Exhibits 29 and 30.

(Testimony of Robert J. Cannon.)

(The documents heretofore marked as Respondents' Exhibits Nos. 29 and 30, for identification, were received in evidence.)

[Printer's Note]: Respondent's Exhibits Nos. 29 and 30 are set out in full at pages 714-716 of this printed Record.

Q. (By Mr. Cannon): Now, at that time had you already made certain deductions of dues, or checked off dues of the C.E.A. members?

A. Yes.

Q. And do you recall how much that amounted to?

A. It seems that it was in the hundreds of dollars. I don't remember the exact amount. [1377]

Q. Was it \$1,085.00? A. I think it was.

Q. What did you do with that money?

A. I notified the payroll department to withhold issuing any checks for it.

Q. And so that—where is the money now, if you know?

A. The money is either in the hands of the employees or it is on the check-off list. The payroll department has been notified that the money should be refunded to the individuals from whom it was deducted.

Q. Now, did you have any demands made upon you by any organization for the money?

A. Yes, I did.

Q. From whom?

A. I was requested to proceed to deduct the dues, and include it for the M.E.S.A.

(Testimony of Robert J. Cannon.)

Q. Include the \$1,085.00? A. Yes.

Q. Who made that request?

A. The secretary of the C.E.A.

Q. Who is that? A. Mr. Schloeder.

Q. But you refused to comply with that demand?

A. I did.

Q. Has the company done anything more than you have [1378] indicated here, to notify the employees as to whether there is or whether there is not a contract existing?

A. As far as the company was concerned, we didn't officially put up a notice that I know of, because it was in dispute and in conference with the C.E.A. men. We, at that time, instructed them that as far as we were concerned, we still had a contract with that corporation, and we would stand on the basis of having a contract with that corporation until we were notified officially that we did not have such a contract.

Trial Examiner Batten: And have you ever been notified officially that you have no contract?

The Witness: We then received a statement of the dissolution of the corporation and a copy of the notice to the Corporation Commissioner.

Trial Examiner Batten: Did you receive a notice that the contract was no longer in effect?

The Witness: No, I don't remember receiving an official notice, no. [1379]

* * * *

Cross-Examination

Q. (By Mr. Ryan): Mr. Cannon, you received

(Testimony of Robert J. Cannon.)

this document, which is Respondents' Exhibit 29, or the original of it, rather? A. We did.

Q. Now, have you received any other word from the C.E.A. to the effect that it is a dissolved corporation?

A. Not as I remember, in writing.

Q. Have you conversed with some of the representatives of [1381] the C.E.A. as to whether they dissolved?

A. Yes, there was considerable discussion at the time because there was an effort to get us to sign a contract with the M.E.S.A.

Q. Shortly after you got this letter, was it—

Trial Examiner Batten: Did you sign a contract with the M.E.S.A.?

The Witness: Yes.

Q. (By Mr. Ryan): And the contract with the M.E.S.A. was signed about the 10th of April, around that day?

A. Yes, it was around there. I don't know exactly.

Trial Examiner Batten: What is the status of that contract?

The Witness: I haven't any idea.

Trial Examiner Batten: Well, what have you got, two contracts now?

Mr. Cannon: We signed the M.E.S.A. contract, and we thought that that matter would also be dragged out in this hearing.

Trial Examiner Batten: Well, of course, I am not concerned with that.

(Testimony of Robert J. Cannon.)

Mr. Cannon: Well, you asked me what the status was.

Trial Examiner Batten: I just asked the witness. He said something about the contract. What is the status of that? [1382]

The Witness: Our contract had a clause for dissolution after 30 days' notice.

Trial Examiner Batten: Which contract?

The Witness: Both of them, as I remember.

Trial Examiner Batten: You mean either party could notify the other one that after 30 days it was void. Well, have you received a notice?

The Witness: Not a written notice, but I have heard lots of conversation.

Trial Examiner Batten: Well, have you received a written notice from the C.E.A. or M.E.S.A. voiding the contract under the 30 day clause?

The Witness: No, not that I remember.

Trial Examiner Batten: Well, then you have two contracts, apparently. I don't know.

Mr. Cannon: Neither do I.

Trial Examiner Batten: Well, I would suggest that something be done to straighten this matter out.

Mr. Ryan: Mr. Examiner, I want to have this telegram marked as Board's exhibit next in order.

(The document referred to was marked as Board's Exhibit No. 72, for identification.)

Mr. Ryan: I have had marked as Board's Exhibit No. 72 for identification a document which purports to be a copy of a telegram sent to James H. Cannon, President, Cannon [1383] Manufacturing Corpora-

(Testimony of Robert J. Cannon.)

tion and Cannon Electrical Development Company from Matthew Smith, National Secretary of M.E. S.A., dated May 23, 1945. I suppose I should probably ask the question of Mr. Jim Cannon—

Mr. Cannon: We will stipulate that the telegram was sent and received on or about the date it bears, and posted on the bulletin board.

Mr. Ryan: In the Cannon plant?

Mr. Cannon: In the Cannon plant.

Mr. Ryan: Well, I offer it in evidence now as Board's Exhibit No. 72. I will show it to Mr. Robert Cannon.

(The document heretofore marked as Respondents' Exhibit No. 72, for identification, was received in evidence.)

Q. (By Mr. Ryan): Mr. Cannon, after receiving Board's Exhibit No. 72, did you take any steps relative to the telegram, to the matters referred to in the telegram?

A. Nothing but posted it on the bulletin board.

Q. Did you or your father, to your knowledge, take any steps to notify the employees that you were taking some action in regard to this M.E.S.A. contract, after receiving the telegram?

A. No other steps unless that went into the Cannoneer. I don't remember. I didn't personally have anything to do with it.

Mr. Cannon: Mr. James Cannon now tells me he announced it over the loud speaking system, the contents of the telegram. [1384]

(Testimony of Robert J. Cannon.)

Mr. James Cannon: I remember the telegram, and then we posted it on the bulletin board.

Trial Examiner Batten: Does the contract have a 30-day clause, Mr. Ryan, which permits either party to cancel it?

Mr. Ryan: I don't have the contract now, and I don't know what it provides.

Mr. Cannon: We don't have the M.E.S.A. contract here either. We could probably dig it up.

Trial Examiner Batten: Mr. Ryan, will you check that up and find out?

The Witness: I might state to the Examiner that regarding that change we had considerable conferences and were presented with 800 signature cards, if I remember, and check off sheets prior to the working of this contract, so there was at least a sizable knowledge on the part of the employees.

* * * *

[1385]

Mr. Ryan: Mr. Examiner, in connection with the evidence with respect to Elsie Monjar and her removal from the Cannoneer while she was on the staff of the U.E.—C.I.O. paper, I have, since Mr. Hobart left the witness stand, checked the copies of the Cannoneer and the Cannon Employees' Association News to determine whether or not there were any individuals who simultaneously worked for both of those newspapers at any time since Monjar was removed because of her joint efforts for the C.I.O. and the C.E.A.

I found the following magazine here of the Cannoneer and the C.E.A. for the periods that I am

(Testimony of Robert J. Cannon.)

going to mention, and I am going to submit them to counsel for checking.

Mr. Cannon: May I make this objection? I object to that as being immaterial because there was no showing here that the knowledge of such joint efforts or joint writings were known to the company or to its management.

Mr. Ryan: It appears from the examination of the two publications, the Cannoneer and the Cannon Employees' Association News that one, Bernice Rolfe was listed as a staff member of the C.E.A. News during the months of May, 1943, June, July up to August 14, 1943, and that she was listed as a staff member of the Cannoneer for May, June, July, August and September of 1943. [1389]

Mr. Cannon: You mean that you find that she wrote articles in both of those papers?

Trial Examiner Batten: He said that she was listed as a staff member on both of those papers in those months.

Mr. Ryan: John Gibson was listed as a cartoonist for the C.E.A. News beginning with August 21, 1943, through November 27, 1943, and he is listed as a staff cartoonist for the Cannoneer from August 21, 1943, through November 27, 1943.

Rose Skaran is listed as a staff member of the C.E.A. News for October, 1943, and November, 1943, and she is listed as a staff member for the Cannoneer for October and November, 1943.

Howard Foskey is listed as a photographer for the C.E.A. News from at least June, 1944, to January of 1945, and he is listed as a photographer for the

(Testimony of Robert J. Cannon.)

Cannoneer from June of 1944, through January of 1945, and he is still appearing as a photographer for the Cannoneer.

Tom Wyckoff was a director of the C.E.A. News in January of 1941 and has a by-line in the C.E.A. News for January 8, 1945 and January 15, 1945, and at the same time was listed as a staff member for the Cannoneer.

Eldon Beasley wrote an article for the C.E.A. News in February of 1943, and at that time was listed as a staff member of the Cannoneer.

I don't submit that those are all of the people who wrote [1390] on the two staffs simultaneously, but I cite those instances.

Mr. Cannon: Did you make any search, Mr. Ryan, to find out whether any C.I.O. members were listed on both staffs during that period?

Mr. Ryan: Listed on the U.E.-C.I.O. paper?

Mr. Cannon: Yes.

Mr. Ryan: I asked her to do that (indicating).

Miss Dunks: Well, we had no paper during that period.

Trial Examiner Batten: The testimony of Mr. Hobart was that he had not found any on the C.E.A. simultaneously so I don't think it was Mr. Ryan's responsibility to check it anyway.

JUDY DUNKS WILBY,

a witness called by and on behalf of the Respondents, being first duly sworn, was examined and testified as follows:

(Testimony of Judy Dunks Wilby.)

Direct Examination

Q. (By Mr. Ryan): Your name, please?

A. Judy Dunks Wilby. I don't use my married name in my work.

Q. Miss Dunks, do you hold an official position with the C.I.O. Union?

A. I am International Field Organizer for the United Electrical, Radio and Machine Workers of America, C.I.O.

Q. Now, have you checked during the period of 1943 to find [1391] out whether or not any of the C.I.O. members were on the staff of the *Cannoneer*, who were also doing feature writing or bulletin writing for C.I.O.?

A. So far as I know, I have checked, and so far as I have been able to find out, the C.I.O. was not putting out any publications and did not have any dues paying members in 1943.

Q. How about 1941?

A. As far as I have been able to determine from the records, which I have looked at, we didn't have a regular paper. We were issuing organizing bulletins under various names, U.E. Cannon News, mimeographed leaflets, and I didn't observe any feature writers in our paper. I wasn't there at the time. I am only saying from what I saw in the files.

I want to qualify that by saying that we didn't really have any feature writers. Most of the papers were put out by the organizing staff with possibly letters by Cannon employees or an article by Cannon employees.

Q. I don't care whether they are feature writers,

(Testimony of Judy Dunks Wilby.)

staff members of what. I want to know whether or not you know from the examination you made as to whether or not any staff members of the Cannoneer during 1941 were writing bulletins for the C.I.O.

Trial Examiner Batten: Well, which bear their name. In other words, if it discloses the name.

Mr. Cannon: Whether she knows of her own knowledge. [1392]

Trial Examiner Batten: In other words, respondent couldn't possibly know the name unless it was on the bulletin. In other words, the name was never disclosed to anybody, and in the Cannoneer, didn't you have names appearing on there when you put out your regular paper for a while?

The Witness: I have checked and was unable to find those papers, because the particular ones which mentioned Monjar were given to Mr. Cannon for review and he was to bring them back. Miss Monjar told me that she did sign some articles, and I know of no one else.

Trial Examiner Batten: That is the thing we want to know, whether their name appears anywhere as writers or staff representatives.

Q. (By Mr. Cannon): What about 1942?

A. I checked through 1942 and was unable to find any signed articles. I think I found one letter signed by a person who was not on the Cannoneer staff, but most of the articles that I found were not signed. That is what I found, but you have some that were taken out of our files that I haven't seen lately.

Mr. Ryan: Miss Dunks, with respect to the type

(Testimony of Judy Dunks Wilby.)

of publication, the Cannoneer is a regular publication by the company, and the C.E.A. News was a regular weekly publication by the C.E.A. Did the C.I.O. publish any such regular publication that could be referred to as the News over this [1393] period from 1943 up to 1945?

The Witness: No, not to my knowledge.

Mr. Ryan: —for distribution in that plant, that is the Cannon plant.

The Witness: No.

Mr. Ryan: No further questions.

Q. (By Mr. Cannon): But you had during that period published and distributed hundreds of bulletins?

A. I wouldn't say hundreds, but from looking in the files, I would say that is a part of that period we distributed some bulletins, at least.

* * * *

Mr. Ryan: Mr. Examiner, yesterday when we were introducing papers for these various cases, formal papers in various cases, at that time I was having the petition typed in Case 21-R-1354, which was a petition filed on June 9, 1941, and I think we reserved an exhibit number for that.

Yesterday I introduced the order of Mr. Walsh dismissing protest of the conduct of election.

Mr. Cannon: That was the 67 series.

Trial Examiner Batten: What case was that?

Mr. Ryan: 21-R-1354. This is the first "R" case. That was the 67 series, I believe. [1394]

Trial Examiner Batten: 67-A.

Mr. Ryan: Board's Exhibit No. 67-B was marked, and that was the order dismissing protest of the conduct of election, and I will now ask that Board's Exhibit 67-A be marked now.

(The document referred to was marked as Board's Exhibit No. 67-A, and was received in evidence.)

* * * *

ASA S. WILCOX,

a witness recalled by and on behalf of the National Labor Relations Board, having been previously duly sworn, was examined and testified further as follows:

Direct Examination

* * * *

[1395]

Q. (By Mr. Ryan): Well, looking at Respondent's Exhibit 2 in the first paragraph where they list some names there. Can you explain about those, whether they were all terminated as a group, or pick out those that were terminated as a group?

A. Vivian Sullivan was terminated, Monna Nye, Joan Lawrence, William Youngberg and Erma Evanstad.

Q. Who?

A. Erma Evanstad. Louis Tournie was not terminated at that time and neither was, to the best of my memory at the moment, Donald M. McClellan.

Q. How many did you mention?

Trial Examiner Batten: That is seven.

Q. (By Mr. Ryan): Do you have a recollection on McClellan as to how it came about that he was not terminated?

(Testimony of Asa S. Wilcox.)

A. I do not. I would have to look the record up on that.

Q. Well, would you do that at noon, Mr. Wilcox, and bring in the record on Mackey, I mean on McClellan and on Tournie, Louis Tournie? [1396]

A. Louis Tournie resigned of his own accord some months later.

Q. Would you bring the record on him and also on McClellan?

A. Yes. You mentioned previously Bernard Mackey, but he is not on this list. Oh, yes. I will have to look up on Mackey as well as McClellan.

Trial Examiner Batten: You didn't say anything about Ada Lish and Eloise Hunt.

The Witness: I believe Ada Lish was terminated at that time in that group.

Mr. Cannon: Bring her card in anyway.

Trial Examiner Batten: In other words, what I want to know is what people's employment was terminated as a result of this correspondence by the respondents.

The Witness: On June 9?

Trial Examiner Batten: On any date as a result of this action of the C.E.A.

The Witness: Those that were terminated were all terminated on that one day.

Mr. Ryan: I think it was the 12th that they were actually terminated on according to their testimony.

The Witness: The 12th, that was several days later.

Q. (By Mr. Ryan): Could you bring the records on those persons at noon?

A. I will bring them all in this afternoon. [1397]

* * * *

Mr. Ryan: Mr. Examiner, I believe just prior to our noon recess I was discussing the Cannoneer and the C.E.A. News and the simultaneous appearance on their staffs of certain persons that I named in the record. I don't know whether the record is clear on that. Will counsel stipulate on that?

Mr. Cannon: I will take his word for it, if Mr. Ryan so states, that he has examined the records.

Trial Examiner Batten: Have you examined them? Counsel said that if you have examined them, he will accept them.

Mr. Ryan: Yes, sir. And another thing, Mr. Examiner, with respect to Florence Maynard—she is in the Women's Army Corps and she is, I think, stationed at Des Moines, Iowa, and she was not available for this hearing. Also, that Gus Palm is in the Merchant Marines, or at least he is in some branch of the service, either in the Merchant Marines or the Military Service, and he is overseas.

Mr. Cannon: I will stipulate as to the correctness of those statements, and also we have a like stipulation that Ned Mandella is likewise in the service and, therefore, unavailable.

* * * *

[1399]

Trial Examiner Batten: Respondents' Exhibit No. 37 will [1411] be received.

(The document referred to was marked as Respondents' Exhibit No. 37, and was received in evidence.)

* * * *

[1412]

Mr. Cannon: I have here this document, which has been marked as Respondents' Exhibit No. 38-A for identification, being a copy of the article of incorporation of Cannon Employees' Association, the original of which was submitted to the Examiner yesterday, and also Respondents' Exhibit No. 38-B for identification, which is certificate of amendment of articles of incorporation of Cannon Employees' Association, the original of which was submitted to the Examiner yesterday, which I would like to offer in evidence at this time.

Trial Examiner Batten: Any objection?

Mr. Ryan: I have no objection.

Trial Examiner Batten: They will be received.

(The documents heretofore marked as Respondents' Exhibits Nos. 38-A and 38-B, for identification, were received in evidence.)

* * * *

[1413]

Mr. Cannon: On the by-laws, which is Board's Exhibit No. 39, by-laws of the Cannon Employees' Association offered by Mr. Ryan but not identified, I will state on the record that we are not disputing the fact that they are the by-laws.

Trial Examiner Batten: In that case, I will receive Board's Exhibit No. 39. That is one of the ones that I have not received. Mr. Ryan stated in the record that they had been turned over to the Board by one of the officers of the C.E.A. at the time the investigation was made, if you recall.

(The document heretofore marked as Board's Exhibit No. 39, for identification, was received in evidence.)

* * * *

[1419]

Trial Examiner Batten: Suppose I show you what my records are. Board's Exhibit No. 8 was not received according to my records.

Mr. Ryan: I now offer it.

Mr. Cannon: What is it?

Mr. Ryan: It is a bulletin from James H. Cannon, dated June 18, 1941, addressed to the employees in regard to the contact committee of 1941.

Mr. Cannon: No objection.

Trial Examiner Batten: It will be received.

(The document heretofore marked as Board's Exhibit No. 8, for identification, was received in evidence.)

[Printer's Note]: Board's Exhibit No. 8 is set out in full at page 661 of this printed Record.

Trial Examiner Batten: Board's Exhibit No. 24, which was the list of checkoffs, the list of dues paid by the respondents to the C.E.A.

Mr. Cannon: We furnished that. No objection to that.

Mr. Ryan: I offer it.

Trial Examiner Batten: It will be received.

(The document heretofore marked as Board's Exhibit No. 24, for identification, was received in evidence.)

Trial Examiner Batten: Board's Exhibit No. 30?

Mr. Ryan: It is a speech by L. George.

Trial Examiner Batten: That's right, August 26, 1941. [1420]

Mr. Cannon: Well, I don't think it is material.

Trial Examiner Batten: Was that the radio talk?

Mr. Ryan: I offer it in evidence.

Trial Examiner Batten: I think it should be received because it was referred to in the record frequently.

(The document heretofore marked as Board's Exhibit No. 30, for identification, was received in evidence.)

Trial Examiner Batten: Board's Exhibit No. 44 was the Cannon Employees Recreation Association card. Board's Exhibit No. 45 was an open letter of the U.E. to the employees dated May 26, 1943.

Board's Exhibit No. 46 was a notice of hearing and complaint for expulsion, suspension or reprimand.

Board's Exhibit No. 47 was a bulletin from the U.E., dated June 8, 1943.

Mr. Ryan: It is a bulletin containing the letter to the Board of directors of the C.E.A. by the U.E.—

Trial Examiner Batten: Stating that the undersigned will not appear for the hearing.

Mr. Cannon: I have no objection to that.

Mr. Ryan: I offer Board's Exhibits Nos. 43 through 47.

Trial Examiner Batten: Well, 43 was rejected. Board's Exhibits Nos. 44 through 47, inclusive, were not offered and not received. [1421]

Mr. Ryan: I offer Board's Exhibits Nos. 44 through 47, inclusive.

Trial Examiner Batten: I will receive them. They were identified.

(The documents heretofore marked as Board's Exhibits Nos. 44 through 47, inclusive, for identification, were received in evidence.)

[Printer's Note]: Board's Exhibits Nos. 45 and 47 are set out in full at pages 694-695 of this printed Record.

Mr. Ryan: With respect to Board's Exhibit No. 44, I ask at this time a waiver to produce a duplicate.

Trial Examiner Batten: I stated in the record that a duplicate will not be required, if it was offered.

Board's Exhibit No. 49 is notice of hearing, dated July 10, 1944. That was not offered.

Mr. Ryan: I offer it now.

Mr. Cannon: No objection.

Trial Examiner Batten: Board's Exhibit No. 49 will be received.

(The document heretofore marked as Board's Exhibit No. 49, for identification, was received in evidence.) [1422]

[Printer's Note]: Board's Exhibit No. 49 is set out in full at page 696 of this printed Record.

* * * *

Mr. Ryan: That is the letter of Gibson to Cafarel notifying him that he is being charged with an offense and that the trial is set for July 31.

Trial Examiner Batten: Board's Exhibit No. 56 will be received.

(The document heretofore marked as Board's Exhibit No. 56, for identification, was received in evidence.) [1424]

[Printer's Note]: Board's Exhibit No. 56 is set out in full at page 701 of this printed Record.

* * * *

ASA WILCOX,

a witness recalled by and on behalf of the National Labor Relations Board, having been previously duly sworn, was examined and testified further as follows:

Direct Examination (Continued)

Q. (By Mr. Ryan): Do you have the records here now, Mr. Wilcox? A. Yes.

Trial Examiner Batten: Those are the eight people named in the original complaint?

Mr. Ryan: Correct.

Q. (By Mr. Ryan): Do you have with you termination records of the company on Louis Tournie? A. Yes, I do.

Q. And what does the record reflect in that regard? [1426]

A. The record shows that he resigned, dissatisfied, on June 18, 1943. The date of the termination was June 18, 1943.

Q. Do you have any other record on him, any statement as to why he was dissatisfied?

A. He was dissatisfied, I believe, along with some others and demanded his availability certificate, and was given it along with some other men at the time. I believe he was dissatisfied because

(Testimony of Asa Wilcox.)

he didn't want to belong to the union, or it had something to do with the union.

Q. He was dissatisfied because he didn't want to belong to the C.E.A.?

A. No, that is not right, because he was a tool maker and was a skilled man, and the company reserved the right in the case of that type of man that he wasn't replaceable.

Trial Examiner Batten: You mean it reserved the right in the contract?

The Witness: Yes, sir. It is in the contract.

Q. (By Mr. Ryan): Have you the other records on the rest of the people in that group?

A. You wish the names in order?

Trial Examiner Batten: Let's take Lawrence, first.

The Witness: What is the name?

Trial Examiner Batten: Joan Lawrence.

The Witness: Joan Lawrence was discharged on June 12 [1427] in that group per the agreement with the C.E.A. under Article 2, Section 1.

Trial Examiner Batten: Erma Evanstad?

The Witness: Erma Evanstad was terminated on the same day for the same reason.

Q. (By Mr. Ryan): The termination card reads, does it not, in the space which says "Give detail and reason for leaving," and I quote "Discharged as per request from C.E.A. according to Article 2, Section 1, as per agreement." Is that correct, Mr. Wilcox?

A. That is correct.

Trial Examiner Batten: Vivian Sullivan.

(Testimony of Asa Wilcox.)

The Witness: Vivian Sullivan?

Trial Examiner Batten: The same reason?

The Witness: Same reason.

Trial Examiner Batten: The same day?

The Witness: The same day.

Trial Examiner Batten: Monna Nye?

The Witness: Monna Nye, same reason and the same day.

Trial Examiner Batten: Ada Lish.

The Witness: Ada Lish for the same reason, same day.

Trial Examiner Batten: Eloise Hunt.

The Witness: Eloise Hunt, same reason, same day.

Trial Examiner Batten: Youngberg.

The Witness: His first name is Clarence. [1428]

Trial Examiner Batten: This says William.

The Witness: Well, William Clarence, I guess, same reason, same day. [1429]

* * * *

Trial Examiner Batten: Have you looked over the Board's Exhibits 73 and 74?

Mr. Cannon: I have looked them over. I object to them on the grounds that they are not material to the issue in this case at all, and the judgment or the findings of fact and conclusions of law without the complaint itself are meaningless.

Trial Examiner Batten: May I see them? Mr. Ryan is offering them in support of Mr. Armant's statement.

Mr. Cannon: I object to them on the grounds

(Testimony of Asa Wilcox.)

that they are immaterial, irrelevant and incompetent, and as not being proper in corroboration of the sworn testimony of the witness on the stand.

Trial Examiner Batten: Well, I will receive them for the purpose of showing that there was such a cause of action, and whether or not the judgment is in support of Mr. Armant's statement is a matter I will have to decide. Otherwise, I do not think they are relevant to the issue.

(The documents heretofore marked as Board's Exhibits Nos. 73 and 74, for identification, were received in evidence.) [1433]

* * * *

BOARD'S EXHIBIT No. 2

[Cannon Electric Development Company, Inc.,
Letterhead]

April 27, 1938

International Association of Machinists
Labor Temple
Los Angeles, California

Gentlemen:

In response to your communication submitted April 19th in the form of a tentative agreement we have the following comment to make:

Only about 20% of our employees could qualify as legitimate applicants for a trade union which your organization represents. The balance of the majority that you embody in your list represent men unskilled in any trade and to whom you cannot issue a card that means anything in any other industry as has been verified by experience in the electrical union under similar circumstances. This business does not represent a trade application but it is an organization built up by one man engaged in the production and marketing of his products. To build this business he had to work for over 15 years for less money than half of our crew are now getting. If statements of outsiders are any criterion to go by our men are now better treated and have more pleasant surroundings than a great majority of industrial plants. The company is carrying, at its expense, life insurance on every man employed over 90 days as protection to his family or dependents. We cannot see why a few disgruntled em-

Board's Exhibit No. 2—(Continued)

employees or the ambitions of an outside organization should be permitted to disrupt this company and if it comes to a showdown we know we can replace every man in the place with men of equal ability and in many cases more or at least equal loyalty with the men now employed without any increase in wages. In response to your list of items we would reply as follows:

Section 1

So far as we know a feeling of goodwill and harmony now prevails in our shop on the major part of the employees. We will meet at any time with three men selected by a majority of the employees, represented by a vote taken of the entire employment roll, to discuss anything pertaining to their employment, working conditions or any other matters that may apply. We will not recognize the machinists' union or any other organization for any further discussion until they have legally established their right to bargain. The list you submitted was satisfactory to the labor board agencies and ourselves as a basis for calling a meeting. It is not satisfactory to us to continue any further discussion until it has been established in the proper method prescribed by law, that is, a secret ballot taken in our plant where all employees have an opportunity to express their desire as to whom shall bargain. We are not concerned about who is a member of your union. We are concerned about what the majority of our employees desire and this will have to be

Board's Exhibit No. 2—(Continued)

established before any other bargaining is undertaken.

Section 2

Our minimum starting rate is now \$.50 per hour. We made a blanket raise, very expensive to the company, about one year ago, and have not received, in return, results commensurate with the increase. Due to the uncertain nature of our business, which six months from now may be of a totally different line of endeavor, we will not agree to any fixed rate of raise for a lapsed time. Raises will be based entirely upon a man's ability to perform, on the nature of the work, and the improvement he shows during the time of his employment. Compensation will be the fair rate as compared with available labor and other applications of a similar nature. We do not ordinarily have sufficient work to keep a tool maker busy at tool making. Our present activities have been of a promotive nature to endeavor to develop a new product that would give employment to our men when our present activities slack off. In view of the attitude that is apparently manifest we doubt very much whether we will undertake such a risk again and if pressed too far we will make it a policy to simply lay off men when work is caught up rather than try to promote new activities to keep them employed. Our minimum rate for a machine operator is \$.75, adjustable according to the nature of the work we have available and the man's ability to produce. It will continue to be this rate as we do not employ machinists. Our men are

Board's Exhibit No. 2—(Continued)

practically all lathe men in their activities in this plant.

Section 3

We do not contemplate any wage reductions but we do contemplate a reduction in the working force. One year ago the constant cry was made to discontinue overtime and increase the spread of employment. This we did with nearly a 50% increase in our force. We warned at the time that to take such action would mean a reduction in the force when the time came for turning out a smaller volume. We are fast approaching that time and we are going to reduce the force to normal without any attempt to spread work. When we reach a normal crew for this plant we will then spread the work up to a certain point, after which we will be obliged to again reduce employees to a point where the remaining men have sufficient income to maintain their families.

Section 4

We will not give preference to a member of the union, the Catholic church, the Protestant church or any other denomination. We will give preference to a man who has been laid off for lack of work if he has been previously employed by us.

Section 5

Smoking will be permitted for 10 minutes twice a day in certain designated areas of the plant. It will be prohibited at all times in the paint room and certain other locations as posted. Anyone violating this rule will be discharged.

Board's Exhibit No. 2—(Continued)

Section 6

No employee on an hourly basis will be granted a vacation with pay. Two days off a week, as allowed on the present working schedule, is ample time in California for the average worker. If he desires more time he can take it at his own expense by making proper arrangements with the superintendent. A vacation with pay is nothing but a camouflaged increase in pay per hour and apparently our employees are being cuttle-fished by an hourly rate argument without taking into consideration their annual income. Hourly rates appear higher in many applications where the men are hired and discharged to fit the work on hand. This plant has a universally good reputation for keeping its men steadily employed, which is the aim of the national political administration and should be the aim of the labor union instead of promoting the idea that they can blackmail higher wages out of an employer and then find that they are off more time than the increase in wages represents when they figure up the annual total.

Section 7

Our working week is now 5 days of nine hours. We do not anticipate working overtime in general production but the special nature of our work occasionally requires overtime for the filling of emergency orders over which we have no control. We expect the employees, under these circumstances to put in a reasonable amount of overtime, the exact

Board's Exhibit No. 2—(Continued)

amount of which could be mutually agreed upon, at straight time. We feel that we are entitled to this if we are going to attempt to keep the men steadily employed. If this is not granted we will lay men off when not needed and hire extra men to meet the increase requirements.

Section 8

We are not signing any agreement.

Section 9

All men using tools of the trade are now paid on an hourly basis with the exception of three who serve as sub-foremen and are on a weekly basis. Some changes have already been made as applied to these men and further changes are contemplated.

Section 10

The six holidays consisting of New Years, Decoration Day, Fourth of July, Labor Day, Thanksgiving, and Christmas are now being observed and will continue to be so observed.

Section 11

In case of a reduction in orders on hand we will lay off men until our crew reaches a normal number. This situation has been covered by preceding comment and the layoff is directly due to the increase made necessary to eliminate overtime. We intend to take care of our old employees and maintain a sufficient organization for normal operations by spreading time. If the business drops off abnormally low we will lay off further men as previously stated

Board's Exhibit No. 2—(Continued)

to keep the remainder on sufficient income to maintain their families and dependents.

Our past performance is sufficiently well known to establish confidence on the part of our loyal employees who have been with us a considerable period of time. If any man takes an attitude detrimental to the company's interest, or breaks the company's rules, he will be discharged without consulting anybody. We will not discharge a man for any violation that has occurred more than six days past, unless it is something that has not come to our attention. If we find that he has been dishonest or disloyal we will fire him if it is six months after the occurrence, providing we have not known of it previously. We have never discharged a man for illness or absence beyond his control but we demand that he notify us at the earliest possible moment that he will not be present to carry on his work. This comment covers section 12 also.

Section 13 applies to activities on your part.

Section 14

We employ no night shifts but would naturally give preference to a night man who desired to get on day work if a vacancy occurred.

Section 15

We do not make a practice of employing apprentices in the machine tool line inasmuch as our work is practically all lathe work and varies to such an extent that an apprentice is not desirable. However, we propose to work our assembly men into appren-

BOARD'S EXHIBIT No. 2

ticeships as opportunity offers, as an advancement to them. There will be no reduction in wages when such a shift is made as applied to the employee involved.

Section 16

You have deleted.

Section 17

We will meet with the three men appointed by a majority of the employees at any time they desire and consider any suggestion they have to make or endeavor to amicably adjust any grievances they may present.

In conclusion the writer would say that our employees as a whole are enjoying a better standard of living, more pleasant working conditions, and other beneficial surroundings than they have experienced for the most part in their past activities. A great many of them have new automobiles, some of them are buying new homes. It is beyond our comprehension why they desire at this time to bring on tragedy, which any undue activity will result in, but inasmuch as what we have done in the past year for their benefit does not seem to produce any lasting results there is no alternative except to bring it to a show down at the present time and conclude the matter definitely and for all times.

Very truly yours,

/s/ JAMES H. CANNON.

CANNON ELECTRIC

DEVELOPMENT CO.

BOARD'S EXHIBIT No. 3-A

May 6th, 1938

Mr. James H. Cannon
President Cannon Electric Development Co.
420 West Ave. 33
Los Angeles, Calif.

Dear Mr. Cannon:

After our conference Tuesday 3rd, your men met Wednesday 4th and decided, when they had heard what transpired between us, that at this time they would not press for time and one-half for overtime, vacation with pay or wage increases, but that not later than 60 days the whole matter would be reviewed. This decision was arrived at by secret ballot—the result: yes—34; no—0.

On all other clauses of the agreement, submitted to you, the men are 100% against accepting any compromise. We believe that in view of the fact that the men have been so liberal in so expressing themselves, that there should now be no obstacle to us reaching a satisfactory settlement.

An early reply from you will be appreciated.

Very truly yours,

JOHN QUEEN,
Business Agent.

JQ/lw

BOARD'S EXHIBIT No. 3-B

[Cannon Electric Development Co., Inc., Letterhead]

Mr. John R. Queen, May 11, 1938
Business Agent,
International Association of Machinists,
Labor Temple,
Los Angeles, California.

Dear Mr. Queen:

Your favor of May sixth received and we are painfully surprised to learn that 34 of our employees are not satisfied with conditions as outlined in our letter of April twenty-seventh. According to these figures, we apparently have 20 men who did not participate in this vote and who are evidently satisfied with their employment.

The Wagner Act, conceived as a protection for labor, is rapidly becoming one of the most flagrant mis-carriages of justice ever appearing on American Statutes.

The writer has always been in sympathy with labor as he has made his living with tools since he was 16 years of age and would welcome the organization of employees into a group, represented by an accredited committee, authorized to meet with the management to discuss problems of mutual interest or grievances. However, such a group should be representative of all employees and not be subject to domination of an ambitious few, motivated by self-interest.

This business was built over a long period of years of self-sacrificing and trouble on the part of the

Board's Exhibit No. 3-B—(Continued)

writer. Advantage was taken of him when he was ill and undergoing some heart rendering family troubles. However, he is back on the job, with both feet in the stirrups and intends to run the business. His grandmother, who pushed a hand cart across the plains to help build this western country, endowed him with sufficient "intestinal fortitude" to tell any outside organization, that tries to "horn in" and disorganize the workers, to go to hell.

This constant bickering is hurting business and has diverted our attention from the creation of new business; with the result that we are experiencing a very marked recession in our operations. We see no occasion to prolong the agony; so if the 34 men are still of the same mind, as indicated by you, we would suggest that they draw their time, at any time they may see fit, and not wait 60 days for the ultimate decision. We can operate, under present conditions, with the men who are satisfied and such additions as may prove necessary; which may be easily obtained in the present labor market. There are too many able mechanics who would be delighted to obtain employment with this organization to warrant wasting further time in discussing the formation of a clique that could dominate the operation of this business over the will of the management. The "loafing days" are over in this establishment and Mr. Cromwell has been given full authority to reorganize the plant, which is now in progress. It is our desire to take care of the older employees, from point of service, but it would appear, from your letter, that

Board's Exhibit No. 3-B—(Continued)

there is such a wide spread dissatisfaction that we, undoubtedly, will be confronted with a wider spread reorganization of personnel than originally anticipated.

Under these conditions, the 34 men to whom you refer, had better hold another meeting and decide definitely and quickly what they want to do.

Very truly yours,

/s/ JAMES H. CANNON,

CANNON ELECTRIC DEVELOPMENT CO.

BOARD'S EXHIBIT No. 5

Making Dreams Come True!

Messages to the Employees of Cannon Electric Development Co., and Cannon Manufacturing Corp. are published every little while as the spirit moves by James H. Cannon . . .

Notice to Employees,

Cannon Electric Development Company &
Cannon Manufacturing Corporation

With the enormous increase in personnel in our factory since January 1st (over 200%) we are suffering from employment indigestion, which I trust our new employees realize.

As some justifiable complaints have been reaching me, I suggest as a first expedient toward correction, the formation of an employees' contact committee, consisting of a contact man on each fore-

Board's Exhibit No. 5—(Continued)

man's shift who will receive in writing the suggestions and complaints of all persons employed in the group.

These contact men are to be selected from the workers by secret ballot, and are not to include any foremen or executives. Candidates should be selected, who in the opinion of the voter are best suited from a temperament, experience and ability standpoint and free from prejudicial convictions, rather than from purely a personal popularity view as their task will be a laborious one and they will have to be able to analyze suggestions in an intelligent manner so as not to flood the management with an avalanche of crackpot suggestions and petty complaints of no serious import.

To start this I suggest that we take ballots beginning Monday, May 26th, through the medium of a secret ballot slip containing on a perforated corner the employee's number. This number to be checked off on a register when voted and the number removed from the ballot before placing in the box.

The two men receiving the highest number of votes in each group will then be published as candidates for a run off vote providing the original vote does not give one person a majority of all votes cast.

The Employees' Contact Committee, after election will meet and elect from the personnel of the committee three men to act as an executive commit-

Board's Exhibit No. 5—(Continued)

tee to review the reports turned in by the contact committee individual members.

They will in turn consider the reports and pass on to the management such items as they consider worthy of consideration.

There will be considerable detail to this arrangement and the company will if it proves desirable furnish paid clerical help to help out and is willing to allow additional compensation to the committee members if the duties become burdensome.

The time of service of these committeemen can be set by rules established after the organization becomes effective.

I believe I am correct in the surmise that we are in an ideal position to establish a splendid fellowship among our workers if this plan is properly followed and honestly administered as we do not have the problems of the mass labor groups of the East.

By this system, which can become an affiliated activity of the Employees' Welfare Association every person can feel that his problems and interest are being represented by fellow workers of his own selection, who are not subserviant to any internal clique, nor dominated by outside influences, whose interests might be quite foreign to the personal welfare of our workers.

This committee, selected as it will be, by your own votes, secretly placed without coercion, will

Board's Exhibit No. 5—(Continued)

not be dominated, nor influenced by the management.

This business is my hobby, and having in 26 years attained the goal of one of the finest specialty factories in the United States, I am now desirous of accomplishing in the next 9 years the training and building up of one of the ideal employee groups of the country.

Some bankers and industrial tycoons will call me an altruistic visionary nut for entertaining any such hopes.

I have, however, employed people for over 30 years, worked with tools since I was 16 years old and I possess the courage to try things that many would fear to undertake. During these long years, much of the time I was overburdened with personal problems, lack of experience and money, so the past has not always been ideal nor have I always been in a position to give the proposition I have in mind a fair trial.

At the present, however, you have the opportunity of dealing with an institution that has no watered stock on which a market has to be maintained, no stockholders clamoring for dividends and no bankers putting on the screws to protect their investments.

The Corporation has no indebtedness except current bills and accrued payroll involved in the month of May.

Board's Exhibit No. 5—(Continued)

I have had the faith in our American future to reinvest funds on hand and borrow money personally and invest it in the phenomenal recent expansion that has created the jobs that two-thirds of you now hold.

To hold and obtain the business to maintain these jobs will require the best efforts of all concerned, and I believe I know enough about mass psychology to place justifiable faith in the fact that once you are convinced you are working to your own interest you will spare no effort to improve quality of our products, improve production methods, eliminate waste and expose drones and subversive employees whose actions are detrimental to the group welfare.

New inexperienced workers are for the most part a liability for the first 90 days to any institution and by July 1st one-third of our employees will be in this class and another one-third in process of graduating from it so the bonus for the nations birthday presents problems from a money viewpoint on the part of the management, but I'm going to make an investment in faith in you workers and pay you 5% in cash of the wages you have earned during the period you have been employed from January 1st, 1941, to July 1st, 1941. This is based on the assumption that we will maintain or better our present production for the remaining period.

We are faced with serious competition and the nation as a whole is honeycombed with subversive elements ready to strew wreckage anywhere or

Board's Exhibit No. 5—(Continued)

everywhere to make racketeering income or impair defense production, depending on the elements motivating them. They will resort to lies, libel, circulation of false rumors, force or coercion to gain their objective. Some activities are so crude they are glaringly self-evident, but they soon switch to skillfully adroit methods.

This company to make successful products must carefully analyze purposes of origin and use of the proposition presented to it, and to build the employee organization I vision, every worker will have to analyze the purpose and objective of all subjects and propositions placed before him, and determine whether they are for his welfare or whether he is being used as a tool for some others agrandisement.

We are nearing our total practical employment rolls, and if we can meet competition successfully to increase the business we must cover the increase by new tooling, new methods, and increased training and skill on the part of the workers.

This improvement can readily be obtained by the cooperation of all involved, by a united action to eliminate grievances and the adoption of methods and tools that suggest themselves to you from your observations and experiences . . its attainment will warrant increased wages.

I desire every sincere suggestion or complaint to be acknowledged by the committee regardless of merit and I will provide forms for a system to take

Board's Exhibit No. 5—(Continued)

care of this, and supplement it with a follow-up method on accepted suggestions or verified complaints to assure action.

We are bringing down to date our rules for republication so all employees will be familiar with same, and due to the expanded employment most of our employees do not know an agreement with the workers exists so I suggest the drafting of a new one.

We can start with a skeleton set-up establishing seniority, protecting the workers against "sacred cows" that can creep into any organization and assuring workers of holding their jobs as long as they work to the common good and perform the service for which they are paid in a satisfactory manner.

Your grievance complaints, if warranted, can form the basis of action for correction of existing unfairness if it has crept in during our expansion.

The business has grown to sufficient size to have available a group of experienced men to intelligently pass on suggestions for changes in methods for shift assignments, pay adjustments and shifting of employees activities to enable them to learn new things or place them where they are better suited for results.

I want the employees to feel that they will not be penalized by the management through personalities as long as they perform conscientious productive work.

Board's Exhibit No. 5—(Continued)

We can expect some "family" squabbles, especially while we are under such high pressure, but much of this can be forgiven or overlooked if it is not overdone or threatens the general welfare.

Our superintendent is here to maintain production and discipline and the foremen are here to assist him and keep the work moving. They are not expected to "slave drive" the workers, but they are to see that work is produced, as a business institution can not lift itself by the boot strap and we must produce results on a basis where we can get new business against competition.

The superintendent's force, however, will not tolerate insubordination which is a cause for discharge in any successful organization.

Our supervisory staff is not to be abusive to the help beyond reason, but you should expect some disciplining, which occasionally may be unreasonable as tempers are short when men are under pressure.

I realize that in some spots our men and methods are weak but we have corrective measures in mind and intelligent suggestions from any of you can broaden the scope of our projected improvement in this respect.

Don't sell Jim Cannon short.

JAMES H. CANNON.

May 20th, 1941.

BOARD'S EXHIBIT No. 6

BULLETIN

June 11, 1941

To the Employees of the Cannon Electric Development Company and Cannon Manufacturing Corporation:

Folks:

In view of the false statements constantly being made, inspired by ulterior motives, I believe it essential at this time to make the attitude of your Companies clear:

First, your Management has conclusive reason to believe that you desire to give the newly elected Contact Committee, representing 100% of the organization, an opportunity to organize and prove what it can do.

Second, I believe that you grant yourselves sufficient democratic intelligence to make your own decisions.

Based on these two presumptions, I desire to make clear the following statement of policy we have found it necessary to adopt:

We will meet with the Contact Committee and render all assistance possible to put our shop organization into productive shape, 60% green though it is.

We will consider every reasonable complaint or suggestion and remedy or adjust any condition to the best of our ability.

Should dissatisfaction occur with regard to the performance of the Contact Committee, we will re-

Board's Exhibit No. 6—(Continued)

ceive and advise with any other group of workers within our plant.

If results warrant, and I feel in my heart they will, we will raise wages as soon as our organization gets co-ordinated and produces results that warrant such action.

A normal study of the work you are doing, coupled with intelligent managerial direction, will enable you within an amazingly short time to speed up shipments without increasing personnel, that will justify wage increases.

It is solely a matter of weighing payroll against shipments and the answer is self-evident.

In view of the false representations that have been made and the betrayal of confidences that is constantly coming to our attention the Companies' Declaration of Policy is this:

We will co-operate with your elected Contact Group and do everything possible to make it a success.

We will meet with any group of employees who have something legitimate to present (and by legitimate, we mean constructive suggestions or complaints on which they feel the Contact Group has inadequately functioned).

We will receive any legal complaint through the shop committee of Lodge 311, International Association of Machinists, A. F. of L with whom we have a signed agreement that is continuous in effect until rescinded or altered by 30 day written notice by either party thereto.

Board's Exhibit No. 6—(Continued)

In view of the deliberate mis-statements that have been made and the false front that has been put on to you by organizations that have tried to take advantage of you, please be advised that:

You will not be penalized for joining or already belonging to any legitimate organization.

Neither can you secure or insure your employment by joining any organization, as your tenure in employment under the present Management is based solely on your ability to perform the work for which you are paid.

From this date on, therefore, the Companies will ignore any "demand", "requests" or coercive entreaties to recognize or to treat with any organization as a bargaining agent until such organization has gone to the Labor Board and induced them to conduct an election under the law, proving a majority support for the plaintiffs by secret ballot of our employees as a whole.

Please keep the fact in mind that as long as I operate this business my employees are going to work here of their own free will and they do not have to join any organization.

Stand up for your rights and do not pay dues to any institution against your own free will and choice.

/s/ JAMES H. CANNON.

BOARD'S EXHIBIT No. 7

Making Dreams Come True!

Messages to the Employees of Cannon Electric Development Co., and Cannon Manufacturing Corp. are published every little while as the spirit moves by James H. Cannon . . .

PLANS AND OBJECTIVES

I want all of the new employees to know the significance of the above title.

This business as you already perhaps know, is my hobby.

I want you to analyze the work you are doing and compare it with your past experience.

Are you earning your pay?

You can't squeeze blood out of a turnip and you cannot expect a continuance of pay checks for services you do not perform evidenced by a loss of approximately 60% of recent contracts on the "AN" line of plugs which, as soon as the present back-log is completed, will represent 80% to 90% of the available business.

We must stop this loss and to do so we have to establish reliable costs we can depend upon in placing bids.

You are working in one of the best equipped specialty factories in the United States and if we get licked it will be our own fault!

I made some quick money on our regular fittings due to the rapid expansion of the business wherein the overhead expense did not increase as rapidly

Board's Exhibit No. 7—(Continued)

as the sales volume and I passed a substantial part of it on in adjusted pay schedules.

Those conditions do not now apply and to maintain the present payrolls, we must meet vicious competition from workers trained in cheap "mass" production where cents are split in figuring costs.

Personally, I've never desired a lot of money but I never again wish to reach the point experienced in my past life where I could not borrow \$25.00 to keep the public utilities connected and I think I'm entitled to security in my old age in return for the 26 years I've spent building this business.

I worked in this town, when Bob and Helen (my oldest children) were babies, for \$90.00 per month and living costs were 16% higher than they are today. The first five years of this business I made less than that and in the next 15 years my salary climbed from \$50.00 to \$125.00 per week.

To put America on its feet, goods must be produced at a profit to establish income to support the tax burden with which we are now confronted.

Bob was 2 years old when I started this business and he has been trained in it and understands the problems involved. He represents the contact you need to get a square deal for he has inherited the characteristics that has built this business—Fundamental Honesty—which is the priceless ingredient that gives us the financial support to meet all demands when backed by over a quarter of a century of successful operation on my part.

I want you to be proud of the fact that you are

Board's Exhibit No. 7—(Continued)

a part of the Cannon organization and to do this, results must reflect your individual effort.

It's up to you—

1. You can join any organization that you think worthwhile without jeopardizing your employment.

2. You cannot slow down or stop our production without throwing people out of work permanently, as the business will first go to competition and secondly, the plant will undoubtedly be government operated, which none of us want, as political management is a hard master.

3. You were given the opportunity to work out your own destiny by intelligent selection of the contact men in your group—election being tabulated now.

4. This plant will never be operated as a “closed shop” by any organization as long as I own it.

5. No organization will dictate its policies from the outside unless the government takes it over.

In conclusion, just analyze the approaches that are made to you. You'll get the right answer in the majority of cases and you can well appreciate that you now have an opportunity to be a part of an ideal working organization as I'll listen to any reasonable suggestions and put into effect those that do not threaten the general welfare.

Don't sell Jim Cannon short.

June 3, 1941.

J.H.C.

BOARD'S EXHIBIT No. 8

[1c Postal Card]

Mr. James H. Cannon
P.O. Box 75, Station A
Los Angeles, California

Date.....,

Dear Mr. Cannon:

I desire to give the Contact Committee I have helped elect, an opportunity to function with a view to increasing production to make possible increased wages.

In so doing I expect it to correct reasonable grievances that are fairly presented from time to time.

It is understood that this expression in no way effects my membership in any trade organization to which I belong or which I may join.

Very truly yours,

Name.....,

Address.....

I have been employed by your organization since
..... Clock No.....

June 18, 1941

Employees:

In view of the mis-statements that have been made to you verbally and in bulletin form, I deem it advisable at this critical time to call for an expression

Board's Exhibit No. 8—(Continued)

of your desires to enable me to intelligently determine our course of action.

Considering the questionable origin of these false claims and accusations, I have felt they would destroy their effectiveness from your own knowledge of facts and for that reason I have not replied to the insulting statements.

At present, however, it is imperative that I know your individual desires.

I suggested the election of a Contact Committee 100% representative—which has been accomplished. It has erroneously been called a Grievance Committee which is not its primary purpose. Its purpose is to “work in” the new employees so they can efficiently produce and also correct grievances that are bound to exist in an organization expanding so rapidly.

Also its purpose is to improve operations from every angle in our methods, as a 5c per hour raise represents approximately \$400.00 per day and this money does not grow on alfalfa bushes.

I am enclosing a postcard enabling you to inform me if you so desire, that you first want the opportunity to work out your own problems in the manner suggested and that until this plan is found wanting in results you are not desirous of outside interference that could easily prove disastrous.

Understand that this in no way effects your membership in any trade organization to which you belong or may desire to join.

Board's Exhibit No. 8—(Continued)

With the proper majority of response it will prove beyond any question or doubt that you desire to work and be freed from constant harassing from any source.

I'm calling on you for an honest expression of your wishes, as I need all the energy I possess to continue the advancement of this business.

Kindly mark, sign and mail the enclosed card at once so I can guide myself accordingly.

Sincerely yours,

/s/ JAMES H. CANNON.

BOARD'S EXHIBIT No. 10

United Electrical, Radio and
Machine Workers of America
5851 Avalon Boulevard
Los Angeles, California

June 25, 1941

Att.: Mr. Carl Brant

Gentlemen:

Acknowledging your communication of June 24, the Grievance Committee you referred to does not represent a majority of our employees.

The employees have, however, elected a Contact Committee by a secret ballot of the employees as a whole and have assured me overwhelmingly of a desire to give the elected committee an opportunity to prove its worth.

Board's Exhibit No. 10—(Continued)

This committee has begun to function and has already re-instated a discharged employee to give him another chance. Your organization has membership on the Contact Committee which is working wholeheartedly for the welfare of all employees and you can rest assured that there will be no discrimination and that your membership will get fair and impartial treatment.

Your field organizers have been so impressively unfair in their public bulletins—in making false statements, distorting facts, blackguarding the Company and obnoxiously trying to promote dissatisfaction in a happy working group that I believe the majority of our employees have no more confidence in your organization and motives than I do.

For that reason, we are not meeting with you next week as you request or any other time until you have proven in an established legal manner that a majority of our employees desire you to represent them which is very evident at the present time they do not.

Very truly yours,

CANNON ELECTRIC DEVELOPMENT CO.,
/s/ JAMES H. CANNON,
President.

BOARD'S EXHIBIT No. 11

Local 1421 Electrical Radio Mche.

Affiliates C.I.O.

5851 Avalon Blvd.

Los Angeles, Calif.

July 3, 1941

Att.: Mr. Carl Brant, Field Organizer

Gentlemen:

Responding to your published letter of June 28, I am presenting a few pertinent facts.

I've piloted this business thru 26 riotous years, 15 of which were in abject poverty. I have built a loyal group of employees. They have been treated fairly and anyone in the "know" realizes that one year employment in our factory is "open sesame" in any aircraft factory in the southwest if the worker's nose is clean.

My older employees know full well they can join any union or not join as they see fit without jeopardizing their employment in my institution. They have signified in written overwhelming response that they desire the Contact Committee they have collectively elected to be given a fair and impartial chance to function. That is the expressed desire of a large majority of the people here employed and it will be the law as long as I operate the business.

I received your Mr. Elconin and Mr. Brant and in a friendly way, agree at their suggestion to receive recommendations for a line of procedure originating from a discussion on a fixed date. Instead of this, the next morning, a flamboyant bulletin appeared to the

Board's Exhibit No. 11—(Continued)

effect that Cannon had agreed to meet regularly with the C.I.O. which I did not. I stated that the Management would at any time consider the complaints of any individual worker or group of workers if they have a just cause for complaint and there was no reason why the C.I.O. could not be heard in an unbiased appeal at any time.

You two gentlemen did not keep your agreement. Instead you 'phoned that you were not prepared to meet the appointment and would do so the following week. This conflicted with the Directors' meeting, at the time you suggested, so you presented a written form of suggestions, that were on the face, merely a proposed procedure already undertaken by the employee elected Contact Committee and well under way.

Personally, my talent and available time as well as my physical endurance are well occupied with the expansion of this plant which had made possible the employment of $\frac{2}{3}$ of our present employees. This group is employed to the best of their ability in producing goods for the National Defense. You have taken upon yourselves the responsibility of accusing me of breaking my word. This plant and all its extensions were built on the spoken word of Jim Cannon without a single written contract and all bills have been paid as presented. My employees can at any time get a just and impartial hearing.

In the meantime, I'm calling your bluff—make good your charges of illegal actions or quit harassing

and trying to spread discontent among my employees. There is no need of paralleling the work of the present Contact Committee.

/s/ JAMES H. CANNON.

BOARD'S EXHIBIT No. 15

Making Dreams Come True!

Messages to the Employees of Cannon Electric Development Co., and Cannon Manufacturing Corp. are published every little while as the spirit moves by James H. Cannon . . .

To the Employees of Cannon Electric Development Company and Cannon Manufacturing Corporation.

Folks:

A pertinent presentation of facts at this vital time is of paramount importance to all of us.

Today I signed, within a year, the 41st and 42nd baby bonus check, representing a help to a new crop of American citizens, larger than my old normal crew of about 40, during the employment of which I was far more contented than I am at present.

One year ago this month, it taxed my courage to start the construction of Plant No. 2 and after doing so my intricate knowledge of trade conditions indicated that I had a "bull by the tail," the release of which would leave us in the dust of oblivion, so I was obliged to push forward and keep expanding which made possible the jobs of two-thirds of you now employed. You, for the most part, were glad

Board's Exhibit No. 15—(Continued)

to get these jobs or you would not have applied for them. In addition to this, I have shortened the wage advancement period and added many other benefits in expanded insurance coverage, assumption of all dues for the Employees' Welfare Association, plus the bonus which was a high hurdle to undertake with two-thirds new employees.

Your new Contact Committee is generously devoting its time in an effort to organize and to serve you in a true democratic manner and they have already bowled over the Management twice in reinstating employees. Give them a fair break and they will deliver you 100% service for they are your voice and are responsible to you only but will require a little time to become organized and experienced.

When I see the way the folks on the Employees' Welfare Committee work, it gives me a kind of watery feeling around the eyes for they never complain about long hours of detailed discussion required and their conscientious attitude about handling the welfare funds would lead you to believe they thought they had been entrusted with the Russian Crown Jewels of fabled time. I note five marriage gifts in the last month from the welfare fund. With 42 baby bonus paid in the last twelve months, we will need a lot of intestinal fortitude to face the future at five weddings a month!

Kindly realize that when you are a part of one of the miracle organizations of America, everything cannot be perfected overnight! This business was

Board's Exhibit No. 15—(Continued)

not built on "luck" but opportune circumstances under a Management that knew how to use them has helped. I have informed your managing executives that this is no longer a "one man" institution and successful operation is dependent on the collective knowledge of our older employees with the collaboration of those newly acquired who show tangible thinking ability. We must hold the confidence of the employees, manage the business to eliminate waste and meet competition. Anyone with enough deductive thought to get anywhere in this chaotic world will realize that an institution like ours which has shown results, miraculous in modern times, is bound for a time at least to be harrassed by inefficiencies, abuses and most of all the other petty charges that can easily be pointed out. On the other hand, you have your Contact Committee at work to straighten out details and get you a fair representation.

I want you to realize I have only limited human endurance and to keep us out of the hands of the Investment Bankers, requires all of the talents and energy I possess. I desire a little time to think of new ideas as an understructure to keep as many employed as possible when the "bubble" breaks.

Primarily, I wish the Contact Committee to collaborate on a set of rules and regulations for a start which will result in the issuance in the immediate future of a book of rules to let you know the preliminary law established to assure continuance of your employment. I suggest a women's auxiliary to advise Nurse Walthall in the presentation of the

Board's Exhibit No. 15—(Continued)

women's problems within the organization which she in turn will follow at the Committee meetings. The Committee should co-operate with the Superintendent under the Foremen group in segregating job standards. By that I mean, it is impractical under the present nebulous plan to carry blanket raises based on time of employment. We must analyze jobs and set pay on results obtained, putting a "top" on less skilled lines and provide promotion at higher pay to more productive lines, for there is no logic in penalizing ability to drag mass inefficiency. Labor cannot get pay it does not earn for any secured length of time.

Getting this far with only a ninth grade school education, don't you think my suggested ideas are worth a fair trial?

Don't rock the boat—

/s/ JAMES H. CANNON.

JHC:EJ

BOARD'S EXHIBIT No. 18

[Cannon Electric Development Co., Letterhead.]

May 8, 1942

Mr. Harry Bridges,
Regional Director for the State of California CIO,
c/o United Electrical, Radio and Machine Workers
of America,
5851 Avalon Blvd.,
Los Angeles, California.

Dear Mr. Bridges:

Your letter of April 24th, in which you mention the change in times and policies, received.

Painting the spots off a leopard does not alter the conditions of its past or assure the future. In view of the opinion of those qualified to pass judgment, the disastrous and unwarranted strike of the long-shoremen of several years ago cost the western group of these, our United States, more money than the great Mississippi Valley floods during the same period and was absolutely unjustifiable.

Your electrical division tried to take my little company like Hitler took the Low Countries. First by Fifth Column methods of infiltration and then by force when our defenses were weakened by large additions of new help who did not know what it was all about.

This was typified by the remark of one worker who stated that it was the first job he had ever held and that, if by joining something he could get fifty percent more money, he was for it.

Under the restrictions of the prevailing interpre-

Board's Exhibit No. 18—(Continued)

tation of the labor laws we were obliged to remain tongue-tied while we were being black-guarded with racoub band wagons, dirty yellow bulletins, which did not adhere to facts and making false promises. This extremely flagrant attitude on the part of your representatives produced the results so surprising to your ex-communist, Mr. Brant. They were able to coerce and intimidate workers to join your union to maintain their peace of mind but when it came to a secret ballot, the employees exercised their democratic rights and expressed their true wishes, losing for you the only consent election in the United States of America of the UER, to the best of my knowledge, and the result was super induced by your own tactics.

I have been a worker all my life and a friend of labor and labor has been a friend of mine. The contract we had with the A. F. of L. was existant at the time your cohorts besieged our gates. We treated our help so well that they all quit paying dues to the A. F. of L. and it was only through the influx of new employees that you were able to get a foothold at all.

Our employees listened to the words of self-praise your institution issued about the wonders they had accomplished in an adjoining brass foundry. They have seen this foundry disintegrate and the owners sell out at a price that only save them six years wages in return for their lifetime of work, at the purchase price. Since then they have seen the employment dwindle to less than 25% of those originally employed before you began your activities and these

Board's Exhibit No. 18—(Continued)

are now employed largely through work we are able to sub-let to them.

We are now able to speak in self defense.

Any subversive moves to molest this plant will meet with an accounting to the collective front of the United States Army, Navy, Air and Signal Corps. There will be no "push-over" at this plant.

I trust from the bottom of my heart that you "have got religion", applying to the times, and that you intend to devote your efforts to the war work.

Our little group now have in their hands means of expressing and representing themselves on a basis that is thoroughly democratic for those involved and I am confident that they are loyal and well meaning. We know we have their loyalty and will receive the benefit of their best endeavors. They know I have implicit faith in them.

Under the circumstances, you and I have nothing in common to discuss, and the limitations of my available time does not warrant an interview.

Very truly yours,

/s/ JAMES H. CANNON,

President Cannon Manufacturing Corporation.

BOARD'S EXHIBIT No. 19

[Cannon Electric Development Co., Letterhead.]

May 29, 1942

Dear Folks:

I do not claim to be psychic but I sense a spontaneous "On To Victory" feeling in the plant that cannot be expressed in words.

I think and believe that you realize I am not fooling or bluffing in the attitude I have assumed that the only consequential consideration is the movement of goods, on the worn out reiteration—"Out the Front Door."

I am not a Henry Ford, with untold millions in reserve, to back a belief. To look the payroll in the eye, twice a month, I have to ship enough goods to bring back the wherewithall to pay it, regardless of any personal prejudice or belief on my part.

Somehow I seem to be backed by a Guardian Angel that guides me to do the right thing, at the correct time.

I raised wages before they became frozen but I believe the latter action will have no limiting effect on the voluntary desires of management. In other words, there will be no opportunity for blackmail by labor against management in war industry and I do not believe there will be any restraints on management for paying for proven superior production.

I am very proud of the record you have made against predicted disaster. April was our biggest month and May will surpass it.

Stormy times are ahead, because we did not have

Board's Exhibit No. 18—(Continued)

the co-ordination of vision, for which the plant was famous when I ran it myself, made the estimates and promises and saw that they were fulfilled. It simply grew over our heads, but we now know what is wrong and we are doing our level best to pick up the missing sources of supply, bridge the gap and get back on the established Cannon reputation for responsibility.

War is Hell, as General Sherman so aptly said, during the Civil War. You have seen some of the Hell start to break.

We are going onward with ever increasing support to the war effort, regardless of whose pastures are trodden over.

I tossed my all into the war effort and beyond the "Lost Horizon" I am looking for a way to employ as many as possible of you when the bubble bursts.

My "pen-pal," Harry Bridges, has received his last letter from me. These eagle-beaked foreigners, dis-enfranchised ex-convicts and racketeers are on their way out of American labor leadership. American labor is entitled to its just dues and I desire to help them in obtaining their just deserts.

Just keep plugging for Uncle Sam and you will have no just cause for regret is the written promise of,

/s/ JIM CANNON.

BOARD'S EXHIBIT No. 22

Making Dreams Come True!

A Message to "Cannoneers" from James H. Cannon

November 3, 1942

Dear Gang:

A letter captioned "Labor needs Capital—but Capital needs Labor most" came to my attention tonight. Accompanying this were three of my previous letters, copies of which are attached. This reminds me of an episode of the last war.

A private had, by some infraction of rules, flagrantly insulted a general. The general said, with a twinkle in his eye, "It's all right, son, but don't try it on a second lieutenant!"

The letter was defamatory and insulting.

Be that as it may, after re-reading my three letters, I am inclined to believe the author is sincere in his own heart, but has been mislead and used as a tool for propaganda.

I am going to re-issue these three letters that were used. They express my heartfelt desires.

Everyone has a right to his own opinion or these would not be our own United States.

On the other hand, no individual should appoint himself as the "Voice" of one of the most loyal crew of workers in America. Neither should one black-guard the head of the institution that feeds him with

Board's Exhibit No. 22—(Continued)

a circularized letter to the employees before the accused party has heard the complaints and been given an opportunity to defend himself.

We are in a total war and all I am interested in is, Winning It.

In April, 1939, the Cannon Manufacturing Corporation and the Cannon Electric Development Company had a combined payroll of approximately 80 employees. Roughly, 70 manufacturing and 10 selling and publicizing our products, including accounting and office detail.

I was designing all of our products, utilizing at that time, 33 years of experience in the electrical business, with 24 years behind me as the head of my own business, started as the Cannon Electric Development Company.

At the end of the first 3 years, on my own, I was penniless and \$7,000.00 in the hole. Did I quit? No! I borrowed \$100.00 and built a shed in the back yard and kept going. I nearly starved for the first 15 years. I told my creditors I was broke, but if they would not shut off my credit, I would pay every month for current purchases and make up the balance of arrears as soon as possible. I did—paid off every cent, including out-lawed debts.

Jim Cannon has never broken his word to anyone and it may be interesting to know that the plant you now occupy (Plant No. 2) was built originally, with all its extensions, without formal contracts and with only verbal okeys. This has made possible the in-

Board's Exhibit No. 22—(Continued)

crease in employment from the original 80, in April, 1939, to the enviable number of people we now employ.

Being a "one-man" business at that time, it is impossible to visualize our accomplishments to date.

My 9th grade education gave me a start and 36 years in the electrical business, principally on specialties, gave me an analytical mind.

We are now out to win the war, even though we are not, at present, doing as well as we might hope.

The sixth paragraph of captioned letter can well be answered by the statement, on my part, that when the business changed from "one-horse" to production, I was dropped into one of the most abysmal holes in history.

It was my practice to estimate the jobs, make the quotations and promises of delivery. The business was built on my personal control of these items, supported by the old crew to produce the goods after I had determined the facts.

We seldom broke delivery promises because my "one-horse" crew could keep in touch with requirements. If we had made a promise, I would personally go down town and obtain missing items.

Back to the abysmal hole! When business in aircraft plugs knocked all of my long laid plans for specialty marketing into a cocked hat, I found I had

Board's Exhibit No. 22—(Continued)

one of two choices—sell out a minority interest, with enough return to retire—or risk all.

I decided to risk all, and the 3 letters attached to the defamatory publication, outlined my principles.

When we changed from a one-man organization into quantity production, beyond my conception, I found myself faced with the dilemma of not having trained supporting executives to fill in. Frankly, I know nothing about quantity production, but I do know that when we expand so rapidly the “abysmal hole” dawn near became the “black hole of Calcutta” and we were on the verge of sinking.

You, who have been here for the last year can realize how inefficient our performance was when you came in “green” and found some of the foremen could not answer your questions.

The propaganda is false in its inception. I am merely laying the facts before you to give the opportunity to the loyal to judge for themselves.

Sincerely,

JIM CANNON.

Board's Exhibit No. 22—(Continued)

May 12, 1942

Re-printed 11-3-42

Folks:

In the middle of Sunday night, I broadcasted twice on the speaker system to clear up some rumors that are prevalent in the factory.

Outside of being the best "Plug" factory in America, we outshine them all in rumors.

I want you to understand, individually and collectively, that there is no contemplation of a general shake-up in our personnel. There are bound to be some changes in getting a "streamlined" Management. Also, we can't pay 75c an hour for 40c work, if we expect to stay in business. This is not your fault as many of you have come in here new—and have done the best you could with the instruction and facilities available.

We have employed what is considered the best firm of industrial engineers in America to straighten us out because the business grew over our heads.

There are no changes contemplated as far as the elimination of our personnel is concerned outside of the fact that after they have been assigned the duties, if the employee does not wish to accept the assignment, we will endeavor to switch him to something else more suitable.

We propose to correct the inequalities that exist in foremanship and general management wherein the worker gets more money than the foreman, who is supposed to be supervising him. We are going to

Board's Exhibit No. 22—(Continued)

pay good salaries; we are going to show them how to do the work, and show the workers how to do it.

We expect the foreman in charge to see that you workers produce. I know that it is your intention and heartfelt desire to do all you can to win this war and the only way we can win it, is to produce goods. The only way we can stay in business is to produce the goods faster and of a better quality than our competitors. I know you are willing.

We are going to place the instrumentality in your hands to enable you to get the results and the present wage advancement is taken on a blind lead, as a responsibility on the Management's part, to carry through to such standards. Once standards are established they will represent the present wage scale.

Those who perform superior workmanship, as quickly as it can be verified, will receive additional pay. In other words, when you turn the goods out the front door the money will come in again and we can pass it on to you.

I don't think any of you realize the load I have been carrying in order to expand this business in the miraculous way it has expanded. It is a mystery to everyone. It has taxed every physical and mental resource I had and I don't want it to get me down, for once I'm out of the picture, others will have to enter and the results might be disastrous.

The only thing incumbent on you is to produce goods and leave it up to me to see that you are compensated in return for your honest efforts.

JIM CANNON.

Board's Exhibit No. 22—(Continued)

May 29, 1942

Re-print 11-3-42

Dear Folks:

I do not claim to be psychic but I sense a spontaneous "On To Victory" feeling in the plant that cannot be expressed in words.

I think and believe that you realize I am not fooling or bluffing in the attitude I have assumed that the only consequential consideration is the movement of goods, on the worn out reiteration—"Out the Front Door."

I am not a Henry Ford, with untold millions in reserve, to back a belief. To look the payroll in the eye, twice a month, I have to ship enough goods to bring back the wherewithal to pay it, regardless of any personal prejudice or belief on my part.

Somehow I seem to be backed by a Guardian Angel that guides me to do the right thing, at the correct time.

I raised wages before they became frozen but I believe the latter action will have no limiting affect on the voluntary desires of Management, in other words, there will be no opportunity for blackmail by labor against Management in war industry and I do not believe there will be any restrains on Management for paying for proven superior production.

I am very proud of the record you have made against predicted disaster. April was our biggest month and May will surpass it.

Stormy times are ahead, because we did not have the co-ordination of vision, for which the plant was

Board's Exhibit No. 22—(Continued)

famous when I ran it myself, made the estimates and promises and saw that they were fulfilled. It simply grew over our heads, but we now know what is wrong and we are doing our level best to pick up the missing sources of supply, bridge the gap and get back on the established Cannon reputation for responsibility.

War is Hell, as General Sherman so aptly said, during the Civil War. You have seen some of the Hell start to break.

We are going onward with ever increasing support to the war effort, regardless of whose pastures are trodden over.

I tossed my all into the war effort and beyond the "Lost Horizon" I am looking for a way to employ as many as possible of you when the bubble bursts.

My "pen-pal," Harry Bridges, has received his last letter from me. These eagle-beaked foreigners, dis-enfranchised ex-convicts and racketeers are on their way out of American labor leadership. American labor is entitled to its just dues and I desire to help them in obtaining their just deserts.

Just keep plugging for Uncle Sam and you will have no just cause for regret is the written promise of,

JIM CANNON.

June 19, 1942—Re-printed 11-3-42

Folks:

Crooks and detectives observantly record small details.

Empire builders and "Get Rich Quick Walling-

Board's Exhibit No. 22—(Continued)

fords'' visualize a broad horizon. One with sincerity and belief—the other with a play up to his audience.

The sincere empire builders take a chance on their judgment and methods.

Jim Hill, who built the Great Northern Railroad across the American Continent, gave this advice to American Youth—"Save your first \$1,000.00."

Sir Donald Mann, who built the Canadian Pacific across a parallel route, to span the continent on more formidable frontiers across the Canadian border, stated that if he had waited to save a thousand dollars, the Canadian Pacific would never have been built.

The fact is—there is no rule of thumb method to win this war.

About twelve people in this organization know the general load I am carrying. Four possibly know most of it. One only, my son, Robert knows it all.

I desire to make clear to you my view of the future, immediate and later.

The Company will print and deliver a new and revised set of rules, in pocket size, that will include within its contents complete conformity with the union agreement. I want you to understand that a Company dominated union would be worthless and I also want you to understand that I was promised a representative set-up, which is now well underway, although somewhat behind delivery, like our plugs. What Jim Cannon wants is a medium of expression for all of the employees in the plant.

If we are going to rebuild the country, we have

Board's Exhibit No. 22—(Continued)

to shove the West, East and unless we do there will be some very sore spots in our economic scheme.

America was built by drifting West. We of the West are going to rebuild America by pushing the pioneer spirit of the West into the adolescent East.

Are you with me?

Sincerely,

JIM CANNON.

BOARD'S EXHIBIT No. 23

Making Dreams Come True!

A Message to "Cannoneers" from James H. Cannon

November 11, 1942

Dear Gang:

Throughout history every successful person or institution has had to be constantly on the alert to defend himself or itself against the slander, sabotage and jealous onslaughts of envious and ambitious persons and groups.

You are now employed in one of the miracle plants of the country, built from what would be, to most men, a financial failure at the start; and without cause or provocation the enemies are legion, and their motives are diversified.

Contrast the gloomy, dirty surroundings of the average mechanical plant with the place in which you earn your living.

Consider its central location and accessibility.

Board's Exhibit No. 23—(Continued)

Your cafeteria; where you can get wholesome and appetizing food at a low price, with a Company employed manager at no cost to you and all profits going to your recreation and enjoyment.

Consider our little hospital with its friendly and competent nurses on duty 24 hours a day to safeguard your health and protect your continuity of time on the job.

The free insurance benefits you receive, and the voluntary baby bonuses of \$50.00 each to help you over the trying times.

The kindly matrons in the ladies' rest rooms: ready to protect, assist, advise, and prevent abuses of your personal rights.

The competent military guard to protect the personnel and maintain your place of employment.

With but few exceptions you do not have to spend one-fourth of your working life getting to and from your place of employment; and none of you have to walk the major part of a mile to reach your working spot after you arrive at the plant.

You are not merely a grain of sand on a beach as felt by those employed in large plants—although our family has been growing rapidly and there is not the intimate personal acquaintance that used to prevail. We are still small enough, however, to maintain a spirit of comradeship and can mingle in groups at our bowling contests, dances and all manner of sports, selected according to your expressed desires.

Your monthly publication the "Cannoneer" gives you an opportunity for self expression and keeps

Board's Exhibit No. 23—(Continued)

you posted on current happenings in the Corporation and the Company.

I have verbally declared to you that I am thoroughly in accord with progressive labor laws.

A worker should have a sense of security if he performs his work sincerely and competently, and not be subject to the whims or personal likes or dislikes of a foreman.

He should have collective bargaining rights to correct abuses, and the right to strike if just complaints are not given due consideration by management.

On the other hand I do not believe our labor laws were ever intended to force working people to "buy" jobs; join organizations against their will; or be the tools of racketeers in applying pressure on other labor groups to submit to their demands.

Some politicians, far more interested in maintaining themselves and their cohorts in the public feed trough than they are in the Nation's welfare, have permitted and backed up some of the most atrocious miscarriages of justice and infringement of freedom's rights this Nation has ever experienced. But an apathetic public is awakening, due principally to the large number of relatives and friends who are giving their life's blood to preserve the country, and visualizing in terrifying contrast the crippling of the war effort by the unfair demands and actions of those fortunate enough to escape the military service, with its attendant death, misery and privation.

You have an organization in the form of a union

Board's Exhibit No. 23—(Continued)

that is supposed to be fully Democratic and to represent you.

A Company dominated Union would defeat its own purpose as has been demonstrated in many national instances, but an employees' union that is not representative and not democratic serves the interest of no one except the ones in the saddle.

I understand you have now passed judgment on a new set of by-laws that are liberal enough to enable you to govern your own affairs by representative majority backing, in which case we can accomplish even better results than those already obtained.

Personally, I am through with pussy-footing: Due to the political trend prevailing nearly 2 years ago I had to remain quiescent for about 8 months and submit to a deluge of obnoxious blackguarding bulletins, defamatory remarks over loud speaking band-wagons, treacherous propaganda from stooges employed within our own organization, without defending myself.

Since that time I have been publicly slandered by publication of perjured documents and pushed around to about the limit of human endurance.

In spite of this, with all of the lying rumors you have been confronted with, you have shown your faith by helping us push steadily ahead, which has given the racketeering elements trying to upset us, gangrene of the intestines.

Our job is to get the goods out to win this war.

Do not let anything distract you from this objective, for I can tell you very frankly that when the

Board's Exhibit No. 23—(Continued)

soldier boys come home there will not be enough rat holes or raid shelters to conceal the racketeers, ex-convicts and foreigners who have been exploiting American labor, from the vengeful wrath of our fighters.

Unless labor administration changes its methods abruptly, labor will lose every gain it has made after the boys get back, for the pendulum always swings back past the center.

If this happens, God help the recalcitrant politicians who find the rat holes already full of racketeers.

Keep pluggin' for Uncle Sam,

Sincerely,

/s/ JIM CANNON.

Bulletin NS-2

BOARD'S EXHIBIT No. 27

Making Dreams Come True!

Messages to the Employees of Cannon Electric Development Co., and Cannon Manufacturing Corp. are published every little while as the spirit moves by James H. Cannon . . .

Folks:

In view of the manifest unrest and the constant questions being asked from time to time, some pertinent cold-blooded facts are in order.

My life's ambition to establish one of the happiest worker's organizations in America was side-tracked by a threatened nervous break-down on my part

Board's Exhibit No. 27—(Continued)

coupled with the unexpected injection of America into the "War for Human Rights."

Our plans for organization and leveling out went completely over-board. I had to plunge in deeper than ever to meet the National Emergency and tossed into jeopardy everything I had acquired in 27 years of hard work to support my ideals. My health is partially regained but we are on the thin limb of operating on tax money, owed, but not due.

I am going to go full length with you, but if you let me down—God help all of us—for we will need it! The prime object of the Cannon Enterprises is to produce and ship goods for the defense of the United States of America and there is to be no "pussy-footing."

The day of labor-racketeering, without or within this plant, is definitely ended for the duration of the war emergency. We are under semi-martial law in our own little sphere and the national antics of politicians who "sell the Nation short" to keep their noses in the public feed trough is going to have little or no affect on our efforts. The Government wants Cannon plugs and what you and I are interested in—is how many go out the shipping room door every day.

I could quote to you the fabulous sums involved in the advancing of wage rate from six months at fifty cents an hour, requiring three years to attain a sixty cent maximum, when negotiations were started with your Association and provided for advancement from fifty cents to seventy cents in six

Board's Exhibit No. 27—(Continued)

months—anticipating results which I did not receive. Merely contemplate the amount of money involved and you can visualize purchasing a Treasure Island in Miami. You can overlook the \$3,600.00 Baby Bonus of \$50.00 per individual; the Welfare Association at \$679.50 per month; the Group Insurance cost to the Company of \$2,215.00 per month; the cafeteria with real food and the hospital with its friendly nurses. Also the convenience of accessibility to the plant against lost hours in transit as compared with the location of some of the war industries. These existing benefits account for the friendly spirit among the workers and the favorable comments we receive from visitors as to the apparent happiness manifest in our organization.

You and I well know we are not an aircraft plant. We have no "cost-plus" business. We are not offered all the work we can do at our figure. No Government loans have financed our expansion. We are bidding on an open specification for most of our business and price and delivery are the prime essentials governing our continuance in active operation.

It warmed the cockles of my heart, at a meeting the other day, to see some of our lady workers "tear the joint apart." "I had promised them top wages"—(their fingers were black with the shop grime). This is the spirit I want and space does not permit the angles on the Association and other items they brought up, with this one exception:

I think the Association has not been given credit for the work it has done. I was promised a full

Board's Exhibit No. 27—(Continued)

democratic organization of employees under which condition wonders could have been accomplished. The declaration of war upset the Association as much as it did the management. Neither one has obtained their objectives. However, the boys in the Association have fought your battle loyally and sincerely and should be shown some evidence of appreciation by you for their efforts. If they have been misguided it is up to you to correct their methods. You pay the dues.

From my standpoint I want plugs going out of the shipping room door and I'm going to get them.

We have lacked ways and means to the objective but we have them now to place in the worker's hands. I am tossing the "hot potato" directly in your laps.

When we pioneered and dominated the sound plug field, ten or fifteen different sources claimed credit for the Cannon Plugs. The fact is, I created and my associates built the entire line. We, of course, embodied changes suggested by field experience and the suggestions of engineers and technicians in the industry from time to time.

This Company's expansion and success is based entirely on its basic experience, ability, quality products and the adaptability to meet changing conditions.

Today war has wiped out all false fronts. We have the solid foundation to work from and as a collective group aim to give our best efforts to a common cause.

We have engaged competent engineers, among the

Board's Exhibit No. 27—(Continued)

best in America to train you in methods to produce results. I have given my word that by May 8th, we will have a tentative set-up to breach most questionable gaps in wages. You will receive wage adjustments at that time—but by the Eternal, they will be set for expected results.

This policy is final; no “sacred cows” are to be tolerated in this plant during the National War Emergency. This applies to everyone from my son, the General Manager, to the laborer who removes the trash from the back yard.

I am going to lay the cash on the line and you are going to move the plugs out the shipping room door.

Fair enough?

/s/ JIM CANNON.

BOARD'S EXHIBIT No. 37

Cannon Employees' Association
Suite 916 Garfield Bldg., 403 W. 8th St.
Los Angeles, California

July 31, 1942

Mr. Clarence Armant
3636 South Hope
Los Angeles, California

Dear Mr. Armant:

You are hereby requested by the Board of Directors, due to unpleasant circumstances which have arisen, to come to the Association office, Tuesday, August 4, 1942 at 2:00 p.m.

Kindly avoid any other unpleasantness by being present at this time.

Respectfully Submitted,

BOARD OF DIRECTORS,
/s/ NED MANDELLA,
President Cannon Employees Association.

BOARD'S EXHIBIT No. 45
OPEN LETTER TO WORKERS OF CANNON
AND THE C.E.A.

We, The Executive Board members of Local 1013, UE-CIO, reaffirm our stand that we will not join the C.E.A. We hereby call upon the honest workers of Cannon to stand with us—demand a democratic union within the plant. We will always fight a company-dominated outfit like the C.E.A. “We call your bluff”—“Board of Dictators”.

Fire us if you will—but be assured the UE-CIO with its membership of 500,000 workers will stand behind us and all its power will be used to bring every governmental agency into the picture to once and for all bring democracy to the Cannon Employees.

/s/ LOUIS TOURNIE, F. S.

/s/ MARY DONOVAN TANKENSON,

/s/ ERMA A. EVENSTAD.

/s/ VIVIAN SULLIVAN.

/s/ MONNA M. NYE, V.P.

/s/ JOAN LAWRENCE.

/s/ WM. YOUNGBERG, R.S.

/s/ DONALD M. McCLELLAN.

United Electrical, Radio and Machine Workers of
America, Local 1013, 2683 Pasadena Ave., Los
Angeles, California. uecio—5/26/43.

BOARD'S EXHIBIT No. 47

ATTENTION

The following letter, which is self-explanatory, was sent to the Board of Directors of the C.E.A. today.

Board of Directors, Cannon Employees Assoc.,
215 West Ave, 33, Los Angeles, Calif.

Gentlemen:

The undersigned have been named as defendants in a complaint for expulsion, suspension, or reprimand, filed by the members of the Board of Directors of the Cannon Employees Association and have received notice of hearing in accordance with Article 8 of the By-Laws of the said Association. The By-Laws provide that any trial on charges shall be held before the Board of Directors "who shall be the final judge in all of these matters."

It is, of course, a fundamental principle that the accused may not be tried by their accusers. In effect, a trial pursuant to the charges here before the Board of Directors would be a kangaroo trial of no significance whatsoever. We do not propose to waste our time in going through idle motions. Therefore, and because the Executive Board does not have the right to trial on charges filed by its own members, we will not appear at the hearing on June 8.

Very truly yours,

/s/ Louis Tournie, F.S.	/s/ Donald M. McClellan,
/s/ Vivian Sullivan,	/s/ Erma A. Evenstad,
/s/ John Lawrence	/s/ Monna M. Nye, V.P.
/s/ Wm. Youngberg, R.S.	

United Electrical, Radio and Machine Workers of
America, Local 1013, 2683 Pasadena Ave., uccio
6/8/43.

BOARD'S EXHIBIT No. 49

NOTICE

To Herbert Caffarel, Florence Maynard, Lee Lawhon, Rachel McBurnie, Arnold Benson, members of Cannon Employees Association, Inc., and to David Sokol, Esq., and Charles E. Taintor, Esq., their attorneys:

You and Each of You Will Please Take Notice that on the 15th day of July, 1944, at the hour of 11 o'clock, a.m., thereof, a trial and hearing will be had upon the accusations and complaints hereto attached for the offenses set forth in the complaint and the accusations hereto attached and that at said time and place you are hereby invited and requested to appear with your counsel and to place before the Board your defense.

That said trial and hearing will be held at Wednesday Morning Breakfast Club, Sichel St. and Ave. 28, Los Angeles, California.

Dated this 10th day of July, 1944.

/s/ O. W. KRIEVALD,
Wednesday Morning Club,
220 E. Avenue 28.

To the Executive Board of the Cannon Employees Association, Inc.:

Members of the Cannon Employees Association, Inc., do by these presents make the following charges and complaints against the following members of the Cannon Employees Association, Inc., to-wit:

Board's Exhibit No. 49—(Continued)

Herbert Caffarel, Florence Maynard, Lee Lawhon, Rachel McBurnie, and Arnold Benson.

I.

The undersigned, Robert Jacobs, Betty Kindleberger, Beatrice Craig and Business Agent respectively of the Cannon Employees Association, Inc., do hereby charge and complain that the above named members of the Cannon Employees Association, Inc., did in violation of Subdivision 5, Article VIII of the Articles of Incorporation and By-laws of the Cannon Employees Association, Inc., "spread false reports maliciously, which were detrimental to the harmonious relations between the members of the Cannon Employees Association, Inc., and/or The Cannon Employees Association, Inc., and/or anyone who may have a contract with the Cannon Employees Association, Inc."

II.

That the above named members of the Cannon Employees Association, Inc., did conspire together and as individuals with the concert of action and did knowingly and maliciously spread false reports about the undersigned complainants which said false reports were detrimental to the Association and the Cannon Manufacturing Corporation and the Cannon Electric Development Company in their relations with each other; that the Cannon Manufacturing Corporation and the Cannon Electric Development Company did at all times mentioned have a contract with the Cannon Employees Association, Inc.

Board's Exhibit No. 49—(Continued)

III.

That the principal place of business of the Cannon Manufacturing Corporation, the Cannon Electric Development Company and the Cannon Employees Association, Inc., is in the City of Los Angeles, County of Los Angeles, State of California.

IV.

That the false reports above mentioned are hereinafter set forth specifically:

(a) That in the last week of May, 1944, Lee Lawhon and Rachel McBurnie did circulate a leaflet charging irregularities in the management of the Cannon Employees Association, Inc.; that said leaflet was false and untrue and was circulated by the said Lee Lawhon and Rachel McBurnie maliciously and for the purpose of spreading a false report which was detrimental to the harmonious relations of the Cannon Employees Association, Inc.

(b) That during the last week in May, 1944, Lee Lawhon did spread false reports and assert that the President and Business Agent were "a couple of thieving bastards."

(c) That at said time above referred to Rachel McBurnie and Lee Lawhon said that the President and Business Manager were comporting themselves as dictators and that one Al Tuttle, a director of the Cannon Employees Association, Inc., was a "company stooge."

(d) That Florence Maynard above mentioned, during the month of May, 1944, and prior thereto,

Board's Exhibit No. 49—(Continued)

did make remarks to the girls working under her that the President and Business Agent of the Cannon Employees Association, Inc., were dishonest.

(e) That on one occasion in the month of May, 1944, Florence Maynard discriminated against one Betty Pizzitola for the reason that said Betty Pizzitola asserted the President and Business Agent were not dishonest and were not thieves.

(f) That said Betty Pizzitola did file a complaint against Florence Maynard because of such discrimination.

(g) That on May 31, 1944, Florence Maynard did accuse President and Business Agent of being thieves and dictators.

(h) That on or about March 24, 1944, said Florence Maynard did accuse President and Business Agent of being a couple of crooks and referred to all the Board of Directors as being stooges for the Cannon Manufacturing Corporation and the Cannon Electric Development Company; and did at said time declare her intention of destroying the Cannon Employees Association, Inc.

(i) That Arnold Benson has on many occasions occurring during the months of March, April and May, 1944, referred to the Cannon Employees Association, Inc., as a company union and that all of the directors and officials of said union were inefficient, dishonest and incompetent in their intent.

(j) That many conferences during said time were held between Arnold Benson and Members of the Tool Guild with one another and with other members

Board's Exhibit No. 49—(Continued)

of the Association for the purpose of maliciously spreading false reports about the Directors of the Cannon Employees Association, Inc., and the officials thereof and for the purpose of spreading disharmony and discontent among the members of the Cannon Employees Association, Inc.

V.

That each and all of the above accusations were committed by the above named members and respondents hereto knowingly, maliciously and with knowledge of their falsity and were designed and intended to be, and were in fact, detrimental to the harmonious relation between the members of the Cannon Employees Association, Inc., and were detrimental to the harmonious relations between the Association and the Cannon Manufacturing Corporation and the Cannon Electric Development Company, which organizations had a contract with the Association.

Wherefore, the undersigned complainants pray that the Board of Directors expel and nullify and make void the membership of the above named respondents as members of the Cannon Employees Association, Inc.

ROBERT JACOBS,
BETTY KINDLEBERGER,
BEATRICE CRAIG,
RICHARD FRANKLIN,
Business Agent.

BOARD'S EXHIBIT No. 56

Cannon Employees' Association, Inc.

215 West Avenue 33

CApitol 6315

Los Angeles, California

June 29, 1944

Herbert Caffarel:

This is to notify you that you have been accused of the following offense:

“Spreading false reports maliciously, which are detrimental to the harmonious relations between members of this Association or between this Association and anyone who may have a contract with this Association.”

You will be tried on these charges in the manner provided by our CEA By-Laws on Saturday, July 1, 1944. Your presence is important to your defense. The proceedings will commence at 4 p.m. promptly and if you desire you may be represented by legal counsel. This matter is important as it may lead to your expulsion from the Association or to suspension or reprimand.

/s/ JOHN GIBSON,
CEA President.

BOARD'S EXHIBIT No. 58

To My Fellow Employees:

Saturday, July 1, 1944, I am to be tried in the manner required by the CEA By-Laws. I am accused of the following offense:

“Spreading false reports maliciously, which are detrimental to the harmonious relations between members of this Association or between this Association and anyone who may have a Contract with this Association.”

The above “crime” for which the CEA Board of Directors proposes to try me is my exposure of the two crooks, Richard Franklin and his cigar smoking stooge, John Gibson.

To me, personally, the loss of my job here at Cannon's would not be a hardship, since I had, before receipt of this letter, tendered my resignation to the Company for other reasons—but are you going to allow this unholy duo to continue to dictate to you and intimidate you with threatened loss of your job, if you dare to speak your opinion? Do you want a real Union or a Gestapo?

For myself, I want you to be the judges of my record here at Cannon's—not a jury of my accusers, whose verdict is already sealed.

I have served you during the past three years, without pay, as President of the CEA, 1943-44; as Co-Chairman (labor) of the Labor-Management War Production Drive; as Co-Chairman of the Cannonaiders; as Employee representative of Jim Can-

Board's Exhibit No. 58—(Continued)

non's Pension Plan ; as Vice-Chairman of the Fourth and Fifth War Loan Drives and as a member of the Cannon Electric Federal Credit Union supervisory committee, and I'll gladly stake this record of service to my fellow employee or to the Company as an Inspector against that of any of my accusers.

Some of the other victims of this would-be purge are: Rachel (Mac) McBurnie of Dept. 2, Joe Buffa, first class machinist, Dept. 1, both of Swing Shift and a half dozen others of the Day Shift.

What are your sons and husbands fighting for—the right of free speech—a democratic form of government—or that these two vultures of Labor may prosper and fatten at their expense and yours?

Think—before it's too late.

It Can Happen To You.

Sincerely,

/s/ FLORENCE K. MAYNARD.

BOARD'S EXHIBIT No. 62-A

May 26, 1941

James H. Cannon

Cannon Electric Development Company and

Cannon Manufacturing Corporation

3209 Humboldt Street

Los Angeles, California

Dear Sir:

The employees of Cannon Electric Development Company and the Cannon Manufacturing Corporation, in line with their rights under the Wagner Act, have elected a Grievance Committee for the purpose of taking up job problems and grievances for CIO members in your plant. This committee and myself, as representative of the United Electrical, Radio and Machine Workers of America, Local No. 1421, CIO, are desirous of meeting with you as soon as possible for the purpose of discussing grievances affecting our members.

The committee and myself would like to meet with you Thursday, May 29, at 2:00 p.m., at your office. If this is convenient, will you please notify me at the earliest possible date.

Sincerely yours,

CARL BRANT,

Field Organizer.

The following is the duly elected Grievance Committee:

Shift No. 1

1. Ivan Jenson, Automatic Screen Machine.

Board's Exhibit No. 62-A—(Continued)

2. John Hager, Finish Casting.
3. Syd Steinberg, Finish Casting.
4. Gus Palm, Drill and Punch Press.
5. Herb Ingals, Machine Shop.
6. Howard Archer, Die Casting.

Shift No. 2

1. John Collins, Finishing Casting.
2. Ray Filloon, Machine Shop.
3. Willard Palmer, Die Casting.
4. Art Korman, Drill and Punch Press.
5. Arthur Eddy, Paint Shop.

Shift No. 3

1. James W. Duncan, Finish Casting.
2. William Hull, Finish Casting.
3. Art Millette, Drill and Punch Press.
4. Morris Willderman, Finish Casting.

BOARD'S EXHIBIT No. 62-B

[Cannon Electric Development Co., Letterhead.]

May 28, 1941

United Electrical, Radio & Machine Workers
of America,
5851 Avalon Blvd.,
Los Angeles, Calif.

Attention: Mr. Carl Brant, Field Organizer.

Dear Sir:

In response to your favor of May 26th, relative to job problems and grievances, I am well aware that there are some minor ones that exist, and steps

Board's Exhibit No. 62-B—(Continued)

are now under way to correct same, and I believe that a large majority of our employees are fully aware of this fact.

With the enormous increase in the number of employees that we have added since the first of the year, combined with the high-pressure under which we have been obliged to operate, we have been unable to look into these matters as far as we would have liked to do. In the meantime, however, if any of our employees think they have grievances that cannot wait, they are at liberty to take them up with the International Association of Machinists, Lodge No. 311, at the Labor Temple, Los Angeles, who have a grievance committee, and with whom we have a signed working agreement.

Very truly yours,

/s/ JAMES H. CANNON.

CANNON ELECTRIC DEVELOPMENT CO.

BOARD'S EXHIBIT No. 72

[Western Union Telegram]

May 23, 1945

To: James H. Cannon, President
Cannon Mfg. Corp. & Cannon Electric Development
Co.

3209 Humboldt Street
Los Angeles, California

Please be advised that the contract entered into on April 10th, 1945, of and between the Mechanics

Board's Exhibit No. 72—(Continued)

Educational Society and your company is hereby cancelled and declared null and void.

Will you please take the necessary steps to effectuate this cancellation with the utmost expedition.

MATTHEW SMITH,
National Secretary of M.E.S.A.

RESPONDENT'S EXHIBIT No. 2

Cannon Employees' Association, Inc.
215 West Avenue 33
CApitol 6315
Los Angeles, California

June 9, 1943

Cannon Manufacturing Corp.

Dear Sirs:

This is to inform you that the Cannon Employees' Association has fairly tried the following named persons for various infractions of our By-Laws, found them guilty and duly expelled them from membership in this organization: Louis Tournie, Vivian Sullivan, Monna M. Nye, Joan Lawrence, Donald M. McClellan, William Youngberg and Erma A. Evenstad. As an additional cause for action these persons were also expelled for non-payment of dues along with Ada Lish, Eloise Hunt and Bernard Mackey. We expect that in accordance with our mutually negotiated and signed contract you will discontinue the employment of these persons within the next seven days or as soon thereafter as they may be replaced.

Respondent's Exhibit No. 2—(Continued)

From our thorough acquaintance with the workings of the plant we are confident that there will be no difficulty in replacing any of these persons with the possible exception of Louis Tournie. We know, and are certain that you cannot help but know that the interests of American war production in this plant will be furthered by the removal of Mr. Tournie from our midsts.

We will thank you for your prompt and sincere cooperation in this matter. Your employees expect you to act according to the provisions of our aforementioned agreement.

Sincerely,

/s/ J. A. GIBSON,
Secretary.

/s/ FLORENCE K. MAYNARD,
President.

RESPONDENT'S EXHIBIT No. 12-B

United States of America
Twenty-First Region
National Labor Relations Board

Case No. XXI-R-1354

In the MATTER OF CANNON ELECTRIC DEVELOPMENT CO. and CANNON MANUFACTURING CORP.

and

CANNON EMPLOYEES' ASSOCIATION.

CERTIFICATE OF RESULTS OF
CONSENT ELECTION

By agreement of all parties, the Regional Director of the Twenty-first Region, National Labor Relations Board, did hold an election on September 9, 1941, at the plant of Cannon Electric Development Co. and Cannon Manufacturing Corp. at 3209 Humboldt Street, Los Angeles, California, among all employees on the payroll of the Company as of July 16, 1941, including those employees who did not work during such payroll period because they were ill or on vacation and employees who were then or have since been temporarily laid off, but excluding engineering, clerical and supervisory employees and those employees who have since quit or been discharged for cause.

The results of the election were as follows:

Total on Eligibility List	703
Total Ballots Cast	675
Total Ballots Challenged	29
Total Blank Ballots	0

Respondent's Exhibit No. 12-B—(Continued)

Total Void Ballots	0
Total Ballots Not Counted	29
Total Ballots Counted	646
Total Votes for	
Cannon Employees' Association	370
Total Votes for United Electrical Workers, Local, 1421, C.I.O.	268
Total Votes for Neither	8

Unless objections to this report are filed within ten days after the receipt thereof, the Regional Director will destroy all the marked ballots in this election.

(Seal) /s/ WM. R. WALSH,

Regional Director 21st Region, National Labor Relations Board. Los Angeles, California.

Dated September 10, 1941.

RESPONDENT'S EXHIBIT No. 26

Cannon Employees' Association, Inc.
215 West Ave., 33, Los Angeles, Calif.

July 24, 1944

Cannon Mfg. Co., 3209 Humboldt St., Los Angeles.

Gentlemen:

This is to inform you that in a trial conducted according to our By-Laws, Florence Maynard and Herbert Caffarel have been expelled from membership in the Cannon Employees' Association.

We expect that you will act promptly in accordance with our mutual contract.

Sincerely,

By /s/ H. L. BRADY,

Chairman of Trial Board.

RESPONDENT'S EXHIBIT No. 27

In Reply Please Refer To 21:ASW/sk.

July 25, 1944

Cannon Employees' Association, Inc.,
215 West Ave., 33, Los Angeles, Calif.

Gentlemen:

We are in receipt of your letter of July 24, 1944, informing us that Florence Maynard and Herbert Caffarel have been expelled from membership in the Cannon Employees' Association, and asking for discharge of these employees in accordance with our mutual contract.

Please give us detailed and specific charges on which these people were tried and convicted for violation of your By-Laws.

Very truly yours,

CANNON MFG. CORP.,
A. S. WILCOX,
Personnel Director.

RESPONDENT'S EXHIBIT No. 28

Cannon Employees' Association, Inc.
215 West Ave., 33, Los Angeles, Calif.

Cannon Mfg. Corp., July 26, 1944
3209 Humboldt St., Los Angeles, Calif.

Gentlemen:

We have received your letter of July 25, 1944, requesting detailed and specific reasons for the expulsion from membership in our Association of

Respondent's Exhibit No. 28—(Continued)

Florence Maynard and Harbert Caffarel and our resulting request that they be discharged from the employ of the company in accordance with our mutual contract. We are hereby submitting the requested information.

Charges were brought against these two persons and several others by a group of employees on June 8, 1944. The charges were that the defendants had violated several sections of Article VIII of our By-Laws and particularly that section of Article VIII which reads as follows:

“Spreading false reports maliciously, which are detrimental to the harmonious relations between members of this Association or between this Association and anyone who may have a contract with this Association.”

Violation of the above quoted section of our By-Laws in a continued, wilfull and malicious manner is reason for reprimand, suspension or expulsion. The defendants were given a copy of the charges against them and were allowed all the time they desired to prepare their defense. Their trials were conducted in the Wednesday Morning Club, 220 E. Ave. 28, and all members who desired were allowed to attend the hearings. It was brought out during the trial that these two defendants had conspired to spread through the plant false rumors or irregularities and crooked dealings in the conduct of the Association. The books of the Association were brought to the hearing and no irregularities or

Respondent's Exhibit No. 28—(Continued)

crooked deals were exposed. It was further brought out that the defendants were past officials of the Association and in a position to know beyond any question of a doubt that the statements they were making had absolutely no basis in fact. It was further brought out that the ill will, discontent and general unrest created by their studied and deliberate campaign to spread malicious untruths had been injurious to production and to the morale of employees of this plant and members of this Association. Therefore, the Board of Directors of this Association acting by virtue of the authority vested in them by the By-Laws of our organization, voted to expel Florence Maynard and Herbert Caffarel from membership.

This Association has been certified by the National Labor Relations Board as a legitimate bargaining agent for all Cannon employees. This Association has at all times striven to maintain good relations with the company in the interests of continued production. We ask that you act promptly in this matter as there is widespread demand for such promptness throughout various departments in both plants. As you must surely know, considerable unrest has been created by the campaign of vilification conducted against us and directed in part by the two persons who have been expelled. It is our sincere hope that you are not a party in any manner to this campaign nor in sympathy with it. Last year we were compelled to expel several persons for libeling this Association as a "Company Union" and its Board of

Respondent's Exhibit No. 28—(Continued)

Directors as a "Board of Dictators". At that time, after considerable argument, you consented to act in accordance with the terms of our contract and dismiss those persons from your employ without resorting to lengthy and sometimes expensive process of arbitration. We are firmly convinced that the evidence in this case warrants similar action on your part at once. We invite you to study at length the court reporter's record of the trial proceedings. And we urge you, in the interest of continued good labor relations and uninterrupted production, to act with speed and dispatch in accordance with Article II, Section I of our contract.

Very truly yours,

CANNON EMPLOYEES ASSN.,
/s/ JOHN A. GIBSON,
President.

RESPONDENT'S EXHIBIT No. 29

Cannon Employees' Association, Inc.
215 West Ave., 33, Los Angeles, Calif.

March 16, 1945

Cannon Mfg. Corp. &
Cannon Electric Development Co.

Gentlemen:

On Tuesday, March 13th, the membership of the Cannon Employees Association voted to become members of the Mechanics Educational Society of America, Local 75. By the terms of their vote the

Respondent's Exhibit No. 29—(Continued)

M.E.S.A. Local 75 became sole bargaining agent for Cannon workers in all matters pertaining to hours, wages and conditions of employment.

In accordance with the wishes of our membership we have, by unanimous vote of the Board of Directors, dissolved the Cannon Employees Association. In line with this change of name and of bargaining rights we ask that the dues check for each month and for every month thereafter be made out to the Mechanics Educational Society of America. We also ask that you meet with us at your earliest convenience so that the newly elected officers of M.E.S.A. Local 75 may negotiate a contract with you on behalf of our members.

To avoid any doubt which may linger in your mind as to the sincerity of our membership in this matter we are now circulating bargaining authorization blanks for the M.E.S.A. Inasmuch as the National Labor Relations Act provides that every employer should bargain with the organization representing a majority of his employees we request at this time that you be equally sincere and straightforward with us so that this matter may be speedily concluded.

Sincerely,

CANNON EMPLOYEES' ASSOCIATION,
DON SCHLOEDER,
Secretary.

RESPONDENT'S EXHIBIT No. 30

Cannon Employees' Association, Inc.
215 West Avenue 33
Los Angeles, California

April 4, 1945

Cannon Mfg. Corp. &
Cannon Electric Development Co.

Gentlemen :

On Tuesday, March 13th, the membership of the Cannon Employees Association voted to become members of the Mechanics Educational Society of America, Local 75. By the terms of their vote the M.E.S.A. Local 75 became sole bargaining agent for Cannon workers in all matters pertaining to hours, wages and conditions of employment.

In accordance with the wishes of our membership we have, by unanimous vote of the Board of Directors, dissolved the Cannon Employees Association. In line with this change of name and of bargaining rights we ask that the dues check for next month and for every month thereafter be made out to the Mechanics Educational Society of America. We also ask that you meet with us at your earliest convenience so that the newly elected officers of M.E.S.A. Local 75 may negotiate a contract with you on behalf of our members.

To avoid any doubt which may linger in your mind as to the sincerity of our membership in this matter we are now circulating bargaining authorization blanks for the M.E.S.A. Inasmuch as the National

Respondent's Exhibit No. 30—(Continued)

Labor Relations Act provides that every employer should bargain with the organization representing a majority of his employees we request at this time that you be equally sincere and straightforward with us so that this matter may be speedily concluded.

Sincerely,

CANNON EMPLOYEES ASSOCIATION,
/s/ DON SCHLOEDER,
Secretary.

